
STATUTORY INSTRUMENTS

2007 No. 2587

**The Works on Common Land
(Exemptions) (England) Order 2007**

Citation, commencement and application

1.—(1) This Order may be cited as the Works on Common Land (Exemptions) (England) Order 2007 and comes into force on 1st October 2007.

(2) This Order applies in relation to England only.

Exemption

2. Section 38 of the Commons Act 2006 (prohibition on works without consent) does not, subject to articles 3 and 4, apply to the carrying out on land registered as common land of any works of a description specified in the second column of the table in Schedule 1, by a person of a description specified in the corresponding entry in the third column of that Table.

Preservation of rights of access

3.—(1) The exemption in article 2 does not apply unless paragraph (2) is complied with.

(2) Where any person or class of persons has a legal right of access to or across the land which the works are to enclose, or to which the works are otherwise to impede access, means of access must be provided which enable that right to continue to be exercised.

Notice of carrying out exempt works

4.—(1) The exemption in article 2 does not apply unless paragraphs (2) and (3) are complied with.

(2) A notice in the form of the model notice in Schedule 2 and containing the information indicated in it must be displayed in a prominent place at the site of the works—

- (a) in the case of works described in paragraphs 1 to 3 of the table in Schedule 1, from the commencement of the works until they are removed; or
- (b) in the case of works described in paragraph 4 of the table in Schedule 1, from the commencement of the works until at least 28 days after their completion.

(3) A copy of the notice displayed under paragraph (2) must be sent to the Secretary of State not later than the commencement of the works.

Interpretation and transitional provision

5.—(1) In this Order—

“moorland” means any area of land shown coloured pink in the three volumes of maps, each entitled “Moorland Map of England 2006” and marked with the number of the volume, dated 13th February 2006, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL;

“register unit” means the whole of an area of land registered as common land pursuant to a single registration;

“section 38 consent” means consent under section 38 of the Commons Act 2006 to carry out restricted works.

(2) References to “land registered as common land” shall be taken, until the commencement of section 1 of the Commons Act 2006 in relation to the area in which any land in question is situated, as references to land so registered under the Commons Registration Act 1965⁽¹⁾.

3rd September 2007

Jeff Rooker
Minister of State
Department for Environment, Food and Rural
Affairs

(1) 1965 c.64.