
STATUTORY INSTRUMENTS

2007 No. 456 (C. 17)

COMMONS, ENGLAND

The Commons Act 2006 (Commencement No. 2,
Transitional Provisions and Savings) (England) Order 2007

Made - - - - 18th February 2007

The Secretary of State, in exercise of the powers conferred upon him by sections 56(1) and 59(1) of the Commons Act 2006⁽¹⁾, makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Commons Act 2006 (Commencement No. 2, Transitional Provisions and Savings) (England) Order 2007.

(2) In this Order—

“the 1965 Act” means the Commons Registration Act 1965⁽²⁾; and

“the 2006 Act” means the Commons Act 2006.

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

Commencement of provisions

2. The following provisions of the 2006 Act shall come into force on 20th February 2007—

(a) in Schedule 5 (minor and consequential amendments)—

(i) paragraph 4 (Norfolk and Suffolk Broads Act 1988), and

(ii) in paragraph 6 (Environment Act 1995), sub-paragraph (a); and

(b) section 52, insofar as it relates to those provisions.

3. The following provisions of the 2006 Act shall come into force on 6th April 2007—

(a) section 4 (commons registration authorities);

(b) section 5 (land to which Part 1 applies);

(c) section 15 (registration of greens);

(d) section 24 (applications etc); and

(1) 2006 c.26.

(2) 1965 c.64.

- (e) the following entries in Part 1 of Schedule 6 (repeals relating to registration), and section 53 insofar as it relates to those entries—
- (i) Commons Registration Act 1965(3), to the extent of repealing section 13(b);
 - (ii) Countryside and Rights of Way Act 2000(4), section 98.

Transitional provisions and savings

4.—(1) Where a commons registration authority grants an application under section 15 of the 2006 Act for the registration of land as a town or village green before section 1 of the 2006 Act has come into force in relation to the area in which the land is situated—

- (a) it shall register the land in the register of town or village greens maintained for that area under the 1965 Act; and
- (b) until the coming into force of section 1 of the 2006 Act in relation to that area, the 1965 Act shall apply in relation to the registration as if it had been made pursuant to section 13(b) of that Act.

(2) In relation to any area of England, references in section 24 of the 2006 Act, and in regulations made under that section, to a register of common land or town or village greens shall, until the coming into force of section 1 of the 2006 Act in relation to that area, be taken to be references to such a register maintained under the 1965 Act.

(3) In relation to any area of England, section 13(b) of the 1965 Act and regulations made under it(5) shall—

- (a) until the coming into force of section 6 of the 2006 Act in relation to that area, continue to have effect insofar as they relate to land which becomes common land other than by virtue of any instrument made under or pursuant to an enactment; and
- (b) until the coming into force of section 14 of the 2006 Act in relation to that area, continue to have effect insofar as they relate to land which becomes common land or a town or village green by virtue of any instrument made under or pursuant to an enactment.

(4) Where—

- (a) an application is made before 6th April 2007 to a registration authority, pursuant to section 13(b) of the 1965 Act, for the amendment of the register of town or village greens as a result of any land having become a town or village green, and
- (b) the registration authority does not determine the application before that date,

the registration authority shall continue to deal with the application on and after 6th April 2007 as if section 13(b) had not been repealed.

Barry Gardiner
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

18th February 2007

(3) 1965 c.64; section 13 was amended by the Law of Property Act 1969 (c.59), Schedule 2, Part 1.

(4) 2000 c.37.

(5) Regulation 28 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471), amended by S.I. 1969/1843 (there are other amending instruments but none is relevant), and the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843) are made under section 13(b).

EXPLANATORY NOTE

(This note is not part of the Order)

The principal purpose of this Order is to bring section 15 of the Commons Act 2006, which makes new provision about the registration of land as a town or village green, into force in relation to England on 6th April 2007.

It also brings into force in relation to England—

- (a) on 20th February 2007, section 52 (partially) and paragraphs 4 and 6(a) of Schedule 5; and
- (b) on 6th April 2007, sections 4, 5 and 24, and Schedule 6 (partially).

Further information on the effect of certain of these provisions may be found in the Explanatory Notes to the 2006 Act.

The Order also contains transitional and saving provisions to—

- (a) require that a green registered under section 15 is, until section 1 of the 2006 Act is brought into force in relation to the relevant area, entered in the registers maintained under the Commons Registration Act 1965;
- (b) ensure that the existing provisions for registration of new greens and common land under section 13(b) of the 1965 Act remain effective in certain cases (such as on an exchange of land consequential on a compulsory purchase order);
- (c) preserve any application to register a green made under the 1965 Act before 6th April 2007, so that such applications must be determined under that Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 23 (partially)	1st October 2006	2006/2504 (C.84)
Section 44(1) (partially)	1st October 2006	2006/2504 (C.84)
Section 45	1st October 2006	2006/2504 (C.84)
Section 47	1st October 2006	2006/2504 (C.84)
Section 49	1st October 2006	2006/2504 (C.84)
Section 51	1st October 2006	2006/2504 (C.84)
Section 52 (partially)	1st October 2006	2006/2504 (C.84)
Section 53 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 3, paragraph 9	1st October 2006	2006/2504 (C.84)
Schedule 4, paragraph 6	1st October 2006	2006/2504 (C.84)
Schedule 5, paragraph 7 (partially)	1st October 2006	2006/2504 (C.84)

Status: This is the original version (as it was originally made).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 6, Part 1 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 2 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 3 (partially)	1st October 2006	2006/2504 (C.84)