
STATUTORY INSTRUMENTS

2008 No. 1960

**The Commons Act 2006 (Commencement
No. 4 and Savings) (England) Order 2008**

Citation, interpretation and application

1.—(1) This Order may be cited as the Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008.

(2) In this Order—

“the 1965 Act” means the Commons Registration Act 1965⁽¹⁾;

“the 2006 Act” means the Commons Act 2006;

“the pilot areas” means the registration areas in England, as at 1st October 2008, of the commons registration authorities specified in the Schedule; and

“registration area”, in relation to a commons registration authority, means—

- (a) all the land within the area of that authority, except for any land for which another authority acts as the commons registration authority pursuant to an agreement made under section 2(2) of the 1965 Act or section 4(3) of the 2006 Act; and
- (b) any other land for which that authority acts as the commons registration authority pursuant to such an agreement.

(3) This Order applies in relation to England.

Commencement of provisions

2.—(1) The following provisions of the 2006 Act come into force on 1st October 2008 in relation to the pilot areas—

- (a) sections 1 to 3 (introductory);
- (b) sections 6 to 13 (registration of rights of common);
- (c) sections 14 (statutory dispositions);
- (d) sections 18 and 19 (conclusiveness and correction of the registers);
- (e) sections 20 and 21 (information etc.);
- (f) section 22 and Schedule 2 (non-registration or mistaken registration under the 1965 Act);
- (g) section 23 and Schedule 3 (transitional);
- (h) the entry relating to the 1965 Act in Part 1 of Schedule 6 (repeals relating to registration) to the extent of repealing sections 1 to 7, 10 to 12, 13 (insofar as the repeal of section 13 has not already been commenced), 14 to 16 and 19 of that Act, and section 53 insofar as it relates to that entry.

(2) Section 46 of the 2006 Act (powers relating to unauthorised agricultural activities) comes into force on 1st October 2008.

Savings

- 3.—(1) This article applies in relation to the pilot areas.
- (2) Paragraph (3) applies where—
- (a) an application for the amendment of a register has been made to a commons registration authority before 1st October 2008, pursuant to regulations under section 13(c) of the 1965 Act; and
 - (b) the commons registration authority has not determined the application before that date.
- (3) The commons registration authority shall continue to deal with the application on and after 1st October 2008 as if section 13(c) of the 1965 Act had not been repealed.
- (4) Paragraph (5) applies where, before 1st October 2008, a commons registration authority has not complied with any requirement imposed on it by section 6(2) or (3) or section 7(2) of the 1965 Act.
- (5) Such of the following provisions as may be applicable continue to apply in relation to the requirement until it is complied with, as if the provisions had not been repealed or revoked—
- (a) section 6(2), and regulations made under sections 6(2) and 19(1)(k) of the 1965 Act⁽²⁾;
 - (b) section 6(3) of the 1965 Act;
 - (c) section 7(2), and regulations made under sections 7(2) and 19(1)(k) of the 1965 Act⁽³⁾.
- (6) In relation to any amendment made to a register before 1st October 2008, section 14(b) of the 1965 Act continues to apply as if it had not been repealed.

Jonathan Shaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

21st July 2008

(2) The Commons Registration (Disposal of Disputed Registrations) Regulations 1972 (S.I. 1972/437), as amended by S.I. 1993/1771, require entries to be made in the prescribed manner for the purposes of section 6(2) of the 1965 Act.

(3) The Commons Registration (Finality of Undisputed Registrations) Regulations 1970 (S.I. 1970/1371), require entries to be made in the prescribed manner for the purposes of section 7(2) of the 1965 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008.