



Greenham and Crookham Commons Act 2002

2002 CHAPTER i

An Act to restore land at and in the vicinity of the Greenham and Crookham Commons as common land open to the public; to make provision for the conservation of the natural beauty of that land; to grant public access over that land in perpetuity and to make provision with respect to that public access; to restore and extend commoners' rights over that land; to constitute the Greenham and Crookham Common Commission for the management of that land; to confer powers on the West Berkshire District Council and on that Commission with respect to that land; and for connected and other purposes. [1st May 2002]

WHEREAS—

- (1) The lands known as Greenham Common and Crookham Common in the district of West Berkshire were prior to the Second World War subject to rights of common and open to the public:
- (2) In 1939 Newbury Borough Council (“the Borough Council”) purchased Greenham Common for use as an open recreational area for the people of Newbury subject to subsisting rights of common over the land:
- (3) In 1941 Greenham Common was requisitioned by the Government for military purposes in connection with the national defence:
- (4) Following the end of the Second World War Greenham Common was de-requisitioned in 1947 but in 1951 was re-requisitioned by the Secretary of State for defence purposes:
- (5) In 1961, in anticipation of compulsory purchase proceedings by the Secretary of State, the Borough Council disposed of most of Greenham Common to the Secretary of State subject to any subsisting rights of common, and retained the remainder of Greenham Common:
- (6) In the 1950s and 1960s the Secretary of State acquired the whole of Crookham Common and other adjoining areas of land for defence purposes and, subsequently, most of that land and the land at Greenham Common acquired by the Secretary of State as mentioned above was fenced against the public by the Secretary of State and used as the Greenham Common Airbase:

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- (7) In 1982 the Secretary of State sold land at Crookham Common outside the perimeter fence of the Greenham Common Airbase to Newbury District Council (“the Council”), the statutory successor to the Borough Council:
- (8) On 26 July 1983 the Council made a Scheme of Management under the Commons Act 1899 (c. 30) in respect of those parts of Greenham Common and Crookham Common then in their ownership and on 10 August 1983 the Council made byelaws under that Act of 1899 in respect of that land which byelaws were confirmed by the Secretary of State on 7 November 1983 (“the 1983 Scheme and Byelaws”):
- (9) Greenham Common and Crookham Common were registered as common land pursuant to the Commons Registration Act 1965 (c. 64) and rights of common over that land were registered under that Act:
- (10) The rights of common so registered in respect of those parts of Greenham Common then vested in the Secretary of State were extinguished in 1991 under the Defence Acts 1842 (c. 94), 1854 (c. 67) and 1859 (c. 12) and the Lands Clauses Consolidation Act 1845 (c. 18):
- (11) The rights of common registered in respect of those parts of Crookham Common formerly vested in the Secretary of State and enclosed by the perimeter fence of the Airbase as mentioned above have not been extinguished but have not been capable of being exercised since the land became vested in the Secretary of State:
- (12) The land at or in the vicinity of Greenham and Crookham Commons is no longer required for defence purposes except for three parcels of land which are retained by the Secretary of State to facilitate inspections pursuant to the Intermediate Range Nuclear Forces Treaty 1987 (“the IRNF Treaty”):
- (13) In 1997 the Secretary of State transferred to the Council all the land at or in the vicinity of Greenham and Crookham Commons then in the ownership of the Secretary of State except for certain land which was transferred to the Greenham Common Community Trust, a company limited by guarantee and registered under that name, and the three parcels of land mentioned above:
- (14) In addition, the Secretary of State has granted the Council an option to purchase one of the retained parcels of land (being the land cross-hatched black on the map deposited as mentioned below) at such date as the land may cease to be subject to the IRNF Treaty:
- (15) On 1 April 1998 the name of the Council was changed from Newbury District Council to West Berkshire District Council:
- (16) The outcome of the events since 1939 which are set out above is that most, though not all, of the lands forming Greenham and Crookham Commons are, with adjacent land, now in the ownership of the Council (“the Council’s land”); and of the Council’s land, part is subject to rights of common and regulated by the 1983 Scheme and Byelaws, part is subject to rights of common which have not been capable of being exercised for many years and the remainder is not subject to rights of common (because such rights have been extinguished as mentioned in paragraph (10) above or because such rights were not registered as required by the Commons Registration Act 1965 (c. 64) or because such rights have never existed):
- (17) Greenham Common and Crookham Common together comprise a site of local, regional and national significance on ecological, cultural and historical grounds, and parts of that land have been designated as a site of special scientific interest:
- (18) It is for the public benefit that the Council’s land be restored and conserved as common land for the recreation of the local inhabitants and other members of the public, that the exercise of commoners’ grazing and other rights on the land be enabled and that conservation and educational activities on the land be encouraged:
- (19) It is desirable that the public be afforded a right of access to the Council’s land as by this Act provided:

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- (20) To secure the conservation of the natural beauty and good management of the Council's land, it is expedient that that land be managed as a single entity, that there should be constituted a Commission to be called the Greenham and Crookham Common Commission and that there be conferred on the Council and on the Commission powers relating to the Council's land as by this Act provided:
- (21) It is expedient that the other provisions contained in this Act should be enacted:
- (22) A map showing the land to which the provisions of this Act apply has been deposited at the Office of the Clerk of the Parliaments, House of Lords, the Private Bill Office of the House of Commons, the Department of the Environment, Transport and the Regions and the office of the Chief Executive of the Council:
- (23) The objects of this Act cannot be attained without the authority of Parliament:
- (24) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PRELIMINARY

1 Short title and commencement

- (1) This Act may be cited as the Greenham and Crookham Commons Act 2002.
- (2) This Act shall come into force on such day or days as the Council may by resolution appoint; and the Council may appoint different days for different provisions of this Act.
- (3) The Council shall cause to be published in a local newspaper circulating in the area of the Council notice of—
 - (a) the passing of any such resolution and of the day or days fixed by the resolution; and
 - (b) the general effect of the provisions of this Act coming into operation as from each day so fixed,and no day so fixed shall be earlier than the expiration of two months from the publication of the notice.
- (4) A photostatic or other reproduction certified by the officer appointed for the purpose by the Council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.

2 Interpretation

- (1) In this Act, unless the context otherwise requires—

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“the 1949 Act” means the National Parks and Access to the Countryside Act 1949 (c. 97);

“the 1965 Act” means the Commons Registration Act 1965 (c. 64);

“the 1972 Act” means the Local Government Act 1972 (c. 70);

“the 2000 Act” means the Countryside and Rights of Way Act 2000 (c. 37);

“additional open space” means any additional open space for the time being designated as such under section 6 (Designation of additional open space) below;

“appointed Commissioner” means a Commissioner appointed under section 7(2)(a) to (g) (Establishment of Greenham and Crookham Common Commission) below;

“the appointed day”, in relation to any provision of this Act, means the day appointed under section 1(2) (Short title and commencement) above for the coming into force of that provision;

“appointing body” means any body specified in section 7(2)(a) to (g) (Establishment of Greenham and Crookham Common Commission) below;

“bicycle” means a pedal cycle and does not include a motor vehicle within the meaning of the Road Traffic Act 1988 (c. 52);

“the Commission” means the Greenham and Crookham Common Commission constituted by this Act;

“Commissioner” means a member of the Commission;

“the Common” means Greenham and Crookham Common;

“commoner” means a person for the time being entitled to exercise rights of common over the Common as provided in section 4 (Rights of common), section 5 (Restoration of extinguished rights of common) and section 33 (Disposals of rights of common) below;

“commoners' election” means an election held for the purpose of electing Commissioners under section 7(2)(h) (Establishment of Greenham and Crookham Common Commission) below;

“the Council” means West Berkshire District Council;

“the deposited map” means the map of Greenham and Crookham Common deposited as recited above;

“elected Commissioner” means a Commissioner elected under section 7(2) (h) (Establishment of Greenham and Crookham Common Commission) below;

“the election rules” means the provisions of Schedule 2 (Rules applicable to election of Commissioners) to this Act;

“fence” includes a wall, gate or stile;

“financial year”, in relation to the Commission, means the period beginning with the appointed day and ending with 31 March falling on or immediately after the anniversary of the appointed day and each subsequent period ending 31 March;

“functions” means duties and powers;

“Greenham and Crookham Common” has the meaning given in section 3 (Definition of Greenham and Crookham Common) below;

“highway” has the meaning given by section 328 of the Highways Act 1980 (c. 66);

“local authority” means a county council, a district council or a parish council;

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“open-air recreation” does not include organised games;

“regulate” includes “restrict” and related expressions shall be construed accordingly;

“relevant interest”, in relation to any land, means the legal fee simple in the land, a legal charge or mortgage of the land or a tenancy of the land granted or extended for a term of years certain of which at the time in question not less than three years remain unexpired;

“the returning officer” means the person for the time being discharging the duties of acting returning officer for the parliamentary constituency of Newbury for the purposes of section 28(1) of the Representation of the People Act 1983 (c. 2);

“site of special scientific interest” means an area of land notified under section 28(1) of the Wildlife and Countryside Act 1981 (c. 69).

- (2) In this Act, references to “the register” are references to the register required to be maintained under section 26 (Register to be maintained by Commission) below as the same is in force for the time being; and “registered” shall be construed accordingly.
- (3) For the purposes of this Act, a person—
- (a) shall be treated as being related to another if the person is the spouse, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the other;
 - (b) shall be deemed to be so related notwithstanding that the person is so related only though an illegitimacy or in consequence of an adoption; and
 - (c) shall be deemed to be the spouse of another, notwithstanding that they are not married to each other, if they are living together as a couple.

PART 2

PRINCIPAL PROVISIONS

3 Definition of Greenham and Crookham Common

- (1) Subject to any addition, extinction, exchange or variation under this Act or any other enactment, the land described in subsection (2) below—
- (a) shall, subject to subsection (3) below and the other provisions of this Act, be common land open to the public in perpetuity to be known as Greenham and Crookham Common, and
 - (b) shall be subject to the rights of common referred to in section 4 (Rights of common), section 5 (Restoration of extinguished rights of common) and section 33 (Disposals of rights of common) below.
- (2) The land referred to in subsection (1) above is the land in the parishes of Greenham and Thatcham in the District of West Berkshire which is shown edged black on the deposited map but excluding any land shown coloured black, hatched black or cross-hatched black on that map.
- (3) No rights of common or public access shall be exercisable over the land which is shown shaded grey on the deposited map until such day as the Council shall by resolution determine that the land is in a fit state for those rights to be exercised over it.