

## GREENHAM AND CROOKHAM COMMONS COMMISSION

### THE REGULATIONS AS PREPARED UNDER SECTION 23 OF THE GREENHAM AND CROOKHAM COMMONS ACT 2002

#### REGULATIONS

Concerning the exercise of commoners' rights on Greenham and Crookham Commons (the "Commons") made by the Greenham and Crookham Commons Commission (the "Commission") pursuant to Section 23 of the Greenham and Crookham Commons Act 2002 ("the Act").

#### Interpretation

1 (1) In these Regulations –

"Code of Practice" means the Code of Practice for driving on the commons (as amended), approved by the Commission;

"Council" means West Berkshire Council, or any public body which succeeds it, and includes any organisation appointed by the Council to manage the commons;

"Grazing Unit" means an adult animal, or a calf or foal which has either been weaned or has reached the age of nine months (whichever is the sooner);

"Representative" means a representative of the Commission who may include a member of staff of the Council;

(2) References to writing or written communication include communication by e-mail to or from the Secretary of the Commission, whose postal and e-mail addresses will be made known to all commoners and to all graziers recorded each year under Regulation 16.

#### Use of vehicles in the exercise of commoners' rights

- 1 The exercise of any right of common does not automatically allow the driving of a vehicle on the Commons. Any commoner or grazier given permission by the Council to do so must comply with the Code of Practice.
- 2 Notwithstanding the provisions of the Code of Practice use of a vehicle away from clearly established tracks is allowed in the cases of removing a dead, injured or sick animal, or providing veterinary services to an animal which cannot reasonably be moved to a track or other accessible point.

- 3 Firewood, gravel, turf etc. collected under rights of common will be taken off the Commons, or to a vehicle on a clearly established track, if permission has been granted by the Council (on an ad-hoc basis within general principles set out by the Commission) to drive on the Commons, only by hand or by a hand-propelled device such as a wheelbarrow or handcart.

Rights to be exercised only in permitted locations

- 4 Rights to take gravel or turf shall be exercised only in areas identified by the Council and agreed by the Commission.

Prohibited and restricted animals

- 5 No person shall depasture on the Commons:
- (a) A shod horse or a shod pony.
  - (b) Stallions, rams, bulls or other entire male animals over six months old without the prior written permission of the Commission.
  - (c) Any animal which he knows or has reasonable cause to believe is suffering from any disease which is a notifiable disease for the purpose of the Animal Health Act 1981 or any re-enactment or amendment thereof.
6. After consultation with the Commission the Council may require the removal, as soon as reasonably practicable, of any animal which it considers may pose a risk to other animals or to the public. If such removal is urgent, the requirement to consult with the Commission is waived.
7. A person who depastures on the Commons an animal which is or which appears to be in a healthy condition and who subsequently discovers or is informed that that animal is suffering from a notifiable disease shall as soon as is reasonably practicable arrange for the removal of that animal from the Commons and for that animal to be tested. If the result of such a test confirms that the animal is suffering from such a disease that person shall undertake an inspection to ensure that other stock, belonging to him and similarly depastured is not affected by such a disease. Further, if any animal is discovered to be suffering from a notifiable disease the person by whom it was depastured shall notify the Secretary of the Commission within 48 hours of such a discovery.
8. The Commission may, after consultation with the Council, exclude from grazing on the Commons, for such periods as appear reasonably necessary, all animals, or animals of a particular description, where the Commission is satisfied that such exclusion is necessary for the maintenance of the Commons or for the promotion of proper standards of livestock husbandry. Graziers will be given at least 31 days notice of any requirement to remove their animals for such reasons.

- 9 The Council may exclude livestock from areas of the Commons defined by temporary fencing for the purposes of managing and maintaining the Commons. Graziers will be given at least 7 days notice of any such exclusions. In any case where the total area of such temporarily fenced areas exceeds two hectares, or the exclusion will last for more than 21 days, the Council must obtain the prior agreement of the Commission.

Removal of deceased, ill and unthrifty animals

- 10 The owner of any dead, ill or unthrifty animal will arrange for its removal from the Commons as soon as is reasonably practical, and in the case of dead animals within 48 hours of becoming aware of the death.

Identification of ownership of grazing animals

- 11 All animals on the Commons must carry some readily visible tag, mark or other device for the purpose of identifying their ownership.
- 12 If the Commission reasonably considers such devices to be indistinguishable, the Commission may, with at least 60 days' notice require the alteration of such devices (e.g. tag colour, design of brand etc.) in order to reliably distinguish one owner from another.

Notification of use of Commoners' grazing rights by other persons

- 13 No person having the right to license another person or arrange for any other person to depasture animals on the Commons shall enter into any such licence or arrangement ("Grazing Agreement") without informing the Commission in writing of the Grazing Agreement within 28 days of the commencement of such licence, specifying:
- (a) the land to which the rights pertain,
  - (b) the number and species Grazing Units covered, and
  - (c) the start and expiry dates of the agreement.
- 14 No Grazing Agreement may run for more than one year. Continuing Grazing Agreements must be renewed annually, and the new Grazing Agreement notified to the Commission as in Regulation 13 above.
- 15 If a Commoner enters into a Grazing Agreement, the Commoner must make available to that person, unless that person already has access to sufficient land for the period of the Agreement, sufficient land to accommodate the number of animals covered by the Grazing Agreement during the winter, or at any other time when a grazing limitation under Regulation 21, below, is in force, or in case the animals have to be removed from the Commons for animal welfare or other reasons.

### Notification of intentions to exercise grazing rights

- 16 By 31st January each year, any person intending to graze animals on the Commons during the year beginning 6th April must inform the Commission in writing specifying:
- (a) the maximum number of Grazing Units they will turn out on the Commons during the year beginning 6th April, such number cannot exceed the number of rights which the grazier owns or uses under a Grazing Agreement,
  - (b) the species and gender of such Grazing Units,
  - (c) the number of such Grazing Units to be grazed under rights owned by the grazier,
  - (d) the number to be grazed under a Grazing Agreement,
  - (e) the name of the Commoner with whom the Grazing Agreement is entered into,
  - (f) the time period of any Grazing Agreement, and
  - (g) the colour of any tag, the design of any brand, or a description of any other method used to identify the owner of each Grazing Unit.

### Monitoring of numbers of grazing animals

- 17 All grazing Commoners and other graziers will, within 14 days of being requested to do so by a Representative, report:
- (a) the number and species of Grazing Units they have on the Commons,
  - (b) the number of calves, foals or other juvenile animals they have on the Commons,
  - (c) the herd number and the individual animal number of every animal they have on the Commons.
- 18 Within 14 days after any Grazing Unit is turned out, or any calf or foal on the Commons becomes a Grazing Unit, the owner shall inform the Secretary to the Commission in writing of the herd number and the individual animal number of that animal.

### Prohibited and restricted animal husbandry practices

- 19 No animal shall be treated with avermectin group veterinary treatments while on the Commons, nor shall any animal be turned out on the Commons within 45 days of having received such a treatment. Any animal which is to have such a treatment must be removed from the Commons beforehand. The Commission, with the Council's agreement, may similarly prohibit the use of

new veterinary treatments until they have been the subject of an environmental risk assessment and are considered to pose no harm to the ecology of the Commons.

- 20 There shall be no supplementary feeding on the Commons, other than salt licks, except in exceptional circumstances (for example, movement restrictions associated with a disease outbreak), which prevent the removal of livestock from the Commons. Supplementary feeding will take place only on those areas of the Commons designated for supplementary feeding by the Commission, as advised by the Council. Other than in an urgent case (for example sudden heavy snowfall) the prior agreement of the Commission is required.

#### Limitation of grazing rights

- 21 The Commission may, after consultation with the Council, fix the maximum number of Grazing Units of each species to be grazed on the Commons providing that the maximum number of Grazing Units shall not fall below two, save for where the grazing right is for one Grazing Unit only. The minimum of two applies to each set of grazing rights, so for example, the minimum for a grazier who has one right of his own, and also rents ten rights from another Commoner, will be three.
- 22 Such limitation will apply to the year beginning 6th April, and may include different limits for different periods of the year. Limits for the forthcoming year will be communicated to all graziers recorded under Regulation 16 above, not later than the preceding 28th February. These limits are subject to change throughout the year depending on vegetation growth. Graziers will be given at least 56 days notice of any change.
- 23 Limits set under Regulation 21 will be applied as a proportion of each grazier's total per species recorded for the year, under Regulation 16 above. Within the constraints of rounding to whole numbers of animals, the same proportional reduction will apply to every grazier's rights irrespective of breed of animal.
- 24 The Arbitrator to be appointed in accordance with Section 23 (3) (c) of the Act to determine an appeal against the number of animals to be depastured as prescribed under Regulation 21 above shall be appointed annually by the Chartered Institute of Arbitrators. Unless both parties agree to submit written representations to him, the Arbitrator shall arrange a hearing at which the appellant and a representative of the Council may address him orally and shall before he makes an award make an inspection of that part of the Commons to which the dispute relates. The costs of, and incidental to, the arbitration and award shall be in the discretion of the Arbitrator who may direct by whom the costs or any part thereof are to be paid.

#### Sanctions

- 25 An official responsible for administration (also known as a reeve) appointed or other person duly authorised by the Commission may remove from the Commons and detain any animal depastured there in contravention of any of

the foregoing regulations, including any animal whose individual animal number has not been notified to the Secretary to the Commission under Regulation 17 above.

- 26 During the detention of any animal so removed from the Commons the Council shall arrange for it to be properly fed, watered and, if appropriate, sheltered and to receive any treatment, veterinary or otherwise, as seems to the Council reasonably necessary for its well-being.
- 27 As soon as is reasonably practicable after removal from the Commons of an animal in accordance with this Regulation the Council shall arrange for notice of its detention to be given to the owner of that animal. Such notice shall inform the owner where the animal may be collected.
- 28 Before an animal is returned to its owner the Council shall be entitled to charge and receive from the owner of the animal the cost of its detention, including the cost of its maintenance and of any treatment the animal has been given during its detention.
- 29 If within ten days of giving notice of its detention to the owner of that animal that animal is not collected by the owner the Council shall be at liberty to sell the animal and deduct from the proceeds of the sale all its costs and expenses incidental thereto before remitting the balance to the owner.
- 30 Where an animal is detained the owner of which the Council is unable to ascertain it shall advertise that detention on a notice board in a prominent position in the main car park for the Commons, and on the Council's website, for 21 days. The Council shall continue to keep the animal safely and if at the end of 21 days from the posting of the notice no enquiry from the owner in respect of that animal has been received by the Council it shall sell that animal and deduct from the proceeds of the sale all its costs and expenses incidental thereto. The Council shall then retain the balance of the sale money for six months and if in this time it is not reclaimed by a person who satisfies the Council that he was the owner of the animal so sold the Council may include that balance within its income for that financial year.

#### Penalties

- 31 Any person who contravenes any of the foregoing Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale as set by the Criminal Justice Act 1982 or Section 143 of the Magistrates Court Act 1980.

Susan G. Ellis

17<sup>th</sup> April 2024

Chairperson, Greenham and Crookham Commons Commission