

Regulations concerning the exercise of commoners' rights on Greenham and Crookham Commons

Greenham and Crookham Common Commission, September 2019

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 landowner to do so must comply with the code of practice for driving on the commons, approved by the Commission and communicated to vehicle users at the time such permission is granted. The code of practice as it may be amended from time to time will also be published on the Commission's website.
- 2 Notwithstanding the provisions of the code of practice as it may be amended from time to time, 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 granted¹ to drive on the common) 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 Council² and agreed by the Commission.

Prohibited and restricted animals

- 5 Shod equines are not permitted to graze on the commons.
- 6 Stallions, rams, bulls or other entire male animals over six months old must not be grazed on the commons without the prior written³ permission of the Commission.
- 7 After consultation with the Commission the Council² 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.
- 8 No person shall depasture on the commons 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. 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 such a 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 that 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 within 48 hours of such discovery notify the Secretary of the Commission thereof.

- 9 The Commission may, after consultation with the Council², 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.
- 10 The Council may exclude livestock from areas of the commons defined by temporary fencing, for purposes of managing and maintaining the commons. Graziers will be given seven days notice of any such exclusions. In any case where 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

- 11 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 forty eight hours of becoming aware of the death.

Identification of ownership of grazing animals

- 12 All adult animals on the commons must carry some readily visible tag, mark or other device for the purpose of identifying their ownership.
- 13 If the Commission reasonably considers such devices to be indistinguishable, the Commission may, with 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

- 14 Within 28 days of any commoner renting any grazing right(s) to another person, both the commoner and the other person shall inform the Commission in writing³ of the agreement, specifying:
- the land to which the rights pertain,
 - the number and species of animals covered, and
 - the start and expiry dates of the agreement.
- 15 No grazing agreement may run for more than one year. Continuing agreements must be renewed annually, and the new agreement notified to the Commission as in regulation 14 above.
- 16 If a commoner rents grazing rights for any number of animals to another person, the commoner must make available to that person sufficient land to accommodate that number of animals during the winter or at any other time when a grazing limitation under regulation 23 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

- 17 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 writing³ of:
- the maximum number of animals⁵ they will turn out on the commons during the year beginning 6th April,
 - the species and gender of such animals,
 - the number of such animals to be grazed under rights owned by the grazier,
 - the number to be grazed under rights rented from a commoner,
 - the name of the commoner from whom any such rights are rented,
 - the time period of any rental agreement, and
 - the colour of any tag, the design of any brand, or a description of any other method used to identify the owner of each animal.

Monitoring of numbers of grazing animals

- 18 All grazing commoners and other graziers will, within 14 days of being requested to do so by a representative of the Commission⁴, report:
- the number and species of adult animals (i.e. grazing units) they have on the commons,
 - the number of calves, foals or other juvenile animals they have on the commons,
 - the herd number and the individual animal number of every animal they have on the commons.
- 19 A calf or foal shall become a grazing unit in its own right when it is weaned, or when it reaches the age of nine months, whichever is the sooner. It will then be counted as using one grazing right.
- 20 Within 48 hours of any adult animal being turned out, or any calf or foal on the commons reaching the age of nine months, the owner will inform the Secretary to the Commission in writing³ of the herd number and the individual animal number of that animal.

Prohibited and restricted animal husbandry practices

- 21 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.
- 22 Other than salt licks, there shall be no supplementary feeding on the commons 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 Common designated⁶ for supplementary feeding. Other than in an urgent case (for example sudden heavy snowfall) the prior agreement of the Commission is required.

Limitation of grazing rights

- 23 The Commission may, after consultation with the Council, fix the maximum number of adult animals (i.e. grazing units) of each species to be grazed on the commons. 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 17 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 56 days notice of any change.
- 24 Limits set under regulation 23 will be applied as a proportion of each grazier's total per species recorded for the year, under regulation 17 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.
- 25 In no case, except where the right is for only one animal, will the number of animals allowed fall below two. The minimum of two applies to each set of 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.
- 26 The Arbitrator to be appointed in accordance with Section 23 (3) (c) of the Greenham and Crookham Commons Act 2002 to determine an appeal against the number of animals to be depastured as prescribed under regulation 23 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 the commons. 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

- 27 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 20 above.
- 28 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.
- 29 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.
- 30 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.
- 31 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.

32 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

33 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 and in the case of a continuing offence to a further fine not exceeding £40 for each day during which the offence continues after conviction thereof.

Footnotes

- 1 Granted on an ad-hoc basis by the Council or any organisation appointed by the Council to manage the commons, within general principles set out by the Commission.
- 2 All references to the Council include any organisation appointed by the Council to manage the commons.
- 3 All 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.
- 4 A representative of the Commission may include a member of staff of the Council or of any organisation appointed by the Council to manage the commons.
- 5 This number cannot exceed the number of rights which the grazier owns or rents from commoners.
- 6 Designated by the Commission after taking advice from the Council or any organisation appointed by the Council to manage the commons.