

9 No person having a right registered under the Commons Registrations Act 1965 or right or privilege having a similar subject matter as rights of common (including rights of grazing deriving otherwise than from rights of common) shall do anything or cause or allow any act to be done which in the opinion of the Council will cause the Commons to be damaged.

10 The Council may require the removal of stock from the Commons or from a particular part of the commons where stock are being grazed or fed in contravention of any Code of Guidance approved by the Council or in order to prevent or limit damage to the Commons.

11 No person or local Commoners' Association shall burn moorland other than in compliance with the Heather and Grass (Burning) Regulations 1986.

12 No person may burn heather bracken gorse or grass in any common land unit where and when burning has been prohibited by the Council. Such prohibition to be notified by an advertisement in a newspaper circulating in the area of the common land unit or units covered by the Prohibition and by signs posted in the relevant units.

13 Each commoner whether or not they are an active or non-active grazer will provide the Council on its written request and at least annually written details as reasonably required by the Council to effectively maintain a register of the grazing of animals on the Commons and the demand for contributions.

14 Animals grazing on the Commons in contravention of these Rules will be considered to be unlawfully grazing on the Common and may be removed by the Council in accordance with its function in articles 5 and 6 of the Order and the Council may recover from the owner of the animal the costs that it has reasonably incurred in removing and disposing of it in accordance with section 31(5)(b) of the Commons Act 2006.

15 The Interpretation Acts 1889 to 1978 as amended from time to time applies to these Regulations as they apply to any Act of Parliament and where the context so admits Section 2 of the Act (the Interpretation Section) applies to these Rules and in the event of conflict the latter shall prevail.

Signed pursuant to a Resolution of the Council on the 13<sup>th</sup> day of August 2018

Stephen Nankwell Chairman

Approved by Lord Gardiner of Kimble Parliamentary Under Secretary of State for Rural Affairs and Biodiversity on behalf of the Secretary of State by letter dated 26<sup>th</sup> July 2018 for the Rules to come into effect 1<sup>st</sup> August 2018.

## **BODMIN MOOR COMMONS COUNCIL**

### **RULES**

**In Respect of  
Bodmin Moor Commons**

## BODMIN MOOR COMMONS COUNCIL

### THE RULES AS PREPARED UNDER ARTICLES 5, 6 & 7 OF THE BODMIN MOOR COMMONS COUNCIL ESTABLISHMENT ORDER 2015

#### RULES

for the maintenance of the lands falling within the definition of the Commons contained in Schedule 1 of the Bodmin Moor Commons Council Establishment Order 2015 (‘the Order’) and for the promotion of proper standards of livestock husbandry, thereon made by the Bodmin Moor Commons Council (‘the Council’) pursuant to Articles 5, 6 & 7 of the Order.

1. No person shall depasture on the Commons any animal in respect of which he does not have a right to graze and for which he has not registered the intention to graze with the Council.
2. 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 arrangement without giving to the Secretary of the Council notice of the numbers of such animals involved in any such arrangement and entering into a licence between the parties to the arrangement and the Council in the Council’s standard format.
3. No person shall allow to be depastured on the Commons any animals which are not officially identified in accordance with the prevailing legislation.  
Sheep should have a readily discernible paint mark.  
Equines must be marked with a mark to be agreed by the Council to ensure adequate identification of the current owner.  
Every person so depasturing an animal must one month prior to first depasturing any such animal send to the Register Officer a diagram and a description of the mark adopted for this purpose.  
The Council may require a person to alter or vary any mark which it considers cannot adequately be distinguished from that employed by another person grazing animals on the Commons or a Manor Common, and thereafter such person shall ensure that all animals depastured by him are marked in accordance with such requirement.
4. 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-entrantment or amendment thereof and 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 the animal is suffering from such a disease must as soon as is reasonably practicable and in any case within 24 hours of such discovery arrange for the removal of that animal from the Commons and for that animal to be tested. If the results of such a test confirm that that animal is suffering from such a disease that person must 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 must within 48 hours of such discovery notify in writing or email the Secretary of the Council.

5. All stock on the Commons must be cared for in compliance with the Animal Welfare Act 2006 and the Welfare of Farmed Animals Regulations 2007 or any amendments thereto. In particular no person shall depasture on the Commons any animal which has ceased to be in good health and body condition and the Council may by written notice require such person to remove from the Commons a depastured animal which the Council considers to have ceased to be in good health and body condition or which would in the opinion of the Council suffer unduly if allowed to remain depastured. That person must remove such an animal within twenty-four hours of receipt of such a notice.
6. No person shall depasture a prohibited animal on the Commons or a Manor Common during a prohibited period. A prohibited period is a period designated by the Council in accordance with advice concerning animal health or other matter or because of any outbreak of infection or of notifiable disease or in response to such locally prevailing circumstances as cause the Council to consider that the Commons should not be stocked during that period and may apply either to all the Commons or to such unit or units thereof as the Council decides. A prohibited animal may be an animal of any description as the Council may decide.  
When the Council has determined that a prohibited period is necessary and the appropriate extent thereof the Secretary of the Council must send to the Secretary of all those Commons’ Associations whose Commons are affected by the prohibition written notice of the prohibited period and the prohibited animal or animals together with the reason for the prohibition and must advertise notice of such prohibition in a newspaper circulating in the area of such Commons.
7. No person shall depasture on the Commons:
  - (a) A bull over the age of six months unless they have obtained the consent of the Council and the Commons Association in the area of which the common land lies.
  - (b) A shod horse or a shod pony.
  - (c) A stallion unless they have obtained the consent of the Council and the Commons Association in the area of which the common land lies.
  - (d) An animal which the Council considers to be a danger to any person or animal.
  - (e) A ram or ram lamb between the 31st day of July and the 10th day of November in any year or such other dates as the Council may from time to time determine (such dates to be made pursuant to an application made to the Council by the Commons’ Association in the area of which the common land lies).
8. Any person must arrange without delay for the removal from the surface of the Commons of the carcass of any animal belonging to him or for which he is responsible if he is informed of such a death by the Secretary of the local Commons’ Association or by a reeve appointed by the Council or by a Member and is instructed to remove that carcass he must arrange for its removal as soon as is reasonably practicable following his receipt of such an instruction.