



# Greenham and Crookham Commons Act 2002

## 2002 CHAPTER i

### PART 2

#### PRINCIPAL PROVISIONS

#### 5 Restoration of extinguished rights of common

(1) Where—

- (a) any person was entitled to exercise rights of common over any part of the land shown edged black on the deposited map;
- (b) those rights were registered as mentioned in section 4(1) (Rights of common) above; and
- (c) those rights were extinguished under the Defence Acts [1842 \(c. 94\)](#), [1854 \(c. 67\)](#) and [1859 \(c. 12\)](#) and the Lands Clauses Consolidation Act [1845 \(c. 18\)](#) before the passing of this Act on payment of compensation,

that person, or that person's successor in title to the land to which the rights are appurtenant, may before the expiry of the relevant period apply to the Council for those rights to be restored in respect of the Common upon the payment (before the expiry of that period) to the Council of the requisite sum.

(2) If, on such an application, the Council are satisfied that the applicant is—

- (a) a person in whose case the conditions in paragraphs (a) to (c) of subsection (1) above are satisfied; or
- (b) the successor in title of such a person,

the Council shall, on payment by the applicant of the requisite sum, secure that the Commission registers the applicant as a commoner in the register in respect of the restored rights of common; and those rights of common shall be exercisable over the whole of the Common.

(3) Subsection (4) below applies to any rights of common over any part of the land shown edged black on the deposited map—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) which fall within subsection (1) above, and
  - (b) in respect of which—
    - (i) no application has been made under subsection (1) above before the expiry of the relevant period; or
    - (ii) such an application has been made before the expiry of the relevant period but the requisite sum has not been paid before the expiry of that period.
- (4) The Council may, after consulting the Commission—
- (a) vest any rights of common to which this subsection applies in any person holding the legal fee simple in any relevant residence for such consideration and on such terms as the Council think fit; and
  - (b) secure that the Commission registers the person as a commoner in the register in respect of the rights of common so vested;
- and those rights of common shall attach to the relevant residence and be exercisable over the whole of the Common.
- (5) All money received by the Council under this section shall be retained by the Council to reimburse the Council for the costs incurred by the Council in promoting this Act.
- (6) In this section—
- “the relevant period” means the period of one year beginning with the appointed day;
  - “relevant residence” means any residential property situated on land which is within the area shown stippled on the deposited map; and
  - “the requisite sum” means a sum equal to the amount of the compensation mentioned in subsection (1)(c) above.