



Commons Registration Act 1965

1965 CHAPTER 64

E+W

F1

An Act to provide for the registration of common land and of town or village greens; to amend the law as to prescriptive claims to rights of common; and for purposes connected therewith. [5th August 1965]

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)

Modifications etc. (not altering text)

- C1** Act: powers transferred (1.7.1999) by virtue of [S.I. 1999/672](#), art. 2, [Sch.1](#)

Commencement Information

- I1** Act not in force at Royal Assent. Act wholly in force at 1.1.1970.

[^{F1}1 Registration of commons and town or village greens and ownership of and rights over them. **E+W**

- (1) There shall be registered, in accordance with the provisions of this Act and subject to the exceptions mentioned therein,—
- (a) land in England or Wales which is common land or a town or village green;

Changes to legislation: There are currently no known outstanding effects for the Commons Registration Act 1965. (See end of Document for details)

- (b) rights of common over such land; and
 - (c) persons claiming to be or found to be owners of such land or becoming the owners thereof by virtue of this Act;
- and no rights of common over land which is capable of being registered under this Act shall be registered [^{F2}in the register of title].
- (2) After the end of such period, not being less than three years from the commencement of this Act, as the Minister may by order determine—
- (a) no land capable of being registered under this Act shall be deemed to be common land or a town or village green unless it is so registered; and
 - (b) no rights of common shall be exercisable over any such land unless they are registered either under this Act or [^{F2}in the register of title].
- (3) Where any land is registered under this Act but no person is registered as the owner thereof under this Act or [^{F2}in the register of title], it shall—
- (a) if it is a town or village green, be vested in accordance with the following provisions of this Act; and
 - (b) if it is common land, be vested as Parliament may hereafter determine.]

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)
- F2** Words in s. 1(1)(2)(3) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 7\(2\)](#) (with s. 129); S.I. 2003/1725, art. 2(1)

[^{F12} Registration authorities. **E+W**

- (1) The registration authority for the purposes of this Act shall be—
- (a) in relation to any land situated in any county ^{F3}..., the council of that county ^{F3}... [^{F4}or, if the county is a metropolitan county, the council of the metropolitan district in which the land is situated]; and
 - (b) in relation to any land situated in Greater London, the [^{F5}council of the London borough in which the land is situated];
- except where an agreement under this section otherwise provides.
- (2) Where part of any land is in the area of one registration authority and part in that of another the authorities may by agreement provide for one of them to be the registration authority in relation to the whole of the land.]

Changes to legislation: There are currently no known outstanding effects for the Commons Registration Act 1965. (See end of Document for details)

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)
- F3** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F4** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 10\(6\)\(a\)](#)
- F5** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 10\(6\)\(b\)](#)

[^{F13} **The registers.** **E+W**

- (1) For the purpose of registering such land as is mentioned in section 1(1) of this Act and rights of common over and ownership of such land every registration authority shall maintain—
- (a) a register of common land; and
 - (b) a register of town or village greens;
- and regulations under this Act may require or authorise a registration authority to note on those registers such other information as may be prescribed.
- (2) Any register maintained under this Act shall be open to inspection by the public at all reasonable times.]

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)

^{F14} **Provisional registration.** **E+W**

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Changes to legislation: There are currently no known outstanding effects for the Commons Registration Act 1965. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), [s. 56](#), [Sch. 6 Pt. 1](#) (with [s. 60](#)); [S.I. 2006/2504](#), [art. 2\(h\)](#) (with [art. 3](#)); [S.I. 2007/456](#), [art. 3\(e\)](#) (with [art. 4](#)); [S.I. 2007/2386](#), [art. 3\(p\)](#) (with [art. 4](#)); [S.I. 2008/1960](#), [art. 2\(1\)\(h\)](#) (with [art. 3](#)); [S.I. 2010/2356](#), [art. 3\(2\)](#) (with [art. 4](#)); [S.I. 2014/3026](#), [art. 3\(1\)\(i\)](#) (with [art. 5](#))

F15 Notification of, and objections to, registration. E+W

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Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), [s. 56](#), [Sch. 6 Pt. 1](#) (with [s. 60](#)); [S.I. 2006/2504](#), [art. 2\(h\)](#) (with [art. 3](#)); [S.I. 2007/456](#), [art. 3\(e\)](#) (with [art. 4](#)); [S.I. 2007/2386](#), [art. 3\(p\)](#) (with [art. 4](#)); [S.I. 2008/1960](#), [art. 2\(1\)\(h\)](#) (with [art. 3](#)); [S.I. 2010/2356](#), [art. 3\(2\)](#) (with [art. 4](#)); [S.I. 2014/3026](#), [art. 3\(1\)\(i\)](#) (with [art. 5](#))

F16 Disposal of disputed claims. E+W

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Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), [s. 56](#), [Sch. 6 Pt. 1](#) (with [s. 60](#)); [S.I. 2006/2504](#), [art. 2\(h\)](#) (with [art. 3](#)); [S.I. 2007/456](#), [art. 3\(e\)](#) (with [art. 4](#)); [S.I. 2007/2386](#), [art. 3\(p\)](#) (with [art. 4](#)); [S.I. 2008/1960](#), [art. 2\(1\)\(h\)](#) (with [art. 3](#)); [S.I. 2010/2356](#), [art. 3\(2\)](#) (with [art. 4](#)); [S.I. 2014/3026](#), [art. 3\(1\)\(i\)](#) (with [art. 5](#))

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F17 **Finality of undisputed registrations.** **E+W**

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Textual Amendments

F1 **Act** repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by **Commons Act 2006 (c. 26)**, s. 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

F18 **Vesting of unclaimed land.** **E+W**

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Textual Amendments

F1 **Act** repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by **Commons Act 2006 (c. 26)**, s. 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

F19 **Protection of unclaimed common land.** **E+W**

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Textual Amendments

F1 **Act** repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by **Commons Act 2006 (c. 26)**, s. 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4);

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S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

[^{F1}10 **Effect of registration.** **E+W**]

The registration under this Act of any land as common land or as a town or village green, or of any rights of common over any such land, shall be conclusive evidence of the matters registered, as at the date of registration, except where the registration is provisional only.]

Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by **Commons Act 2006 (c. 26)**, s. 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

[^{F1}11 **Exemption from registration.** **E+W**]

- (1) The foregoing provisions of this Act shall not apply to the New Forest or Epping Forest nor to any land exempted from those provisions by an order of the Minister, and shall not be taken to apply to the Forest of Dean.
- (2) The Minister shall not make an order under this section except on an application made to him before such date as may be prescribed.
- (3) The Minister shall not make an order under this section with respect to any land unless it appears to him—
 - (a) that the land is regulated by a scheme under the ^{M1}Commons Act 1899 or the Metropolitan Commons Acts 1866 to 1898 or is regulated under a local Act or under an Act confirming a provisional order made under the ^{M2}Commons Act 1876; and
 - (b) that no rights of common have been exercised over the land for at least thirty years and that the owner of the land is known.
- (4) The Minister shall, before dealing with any application under this section, send copies thereof to the registration authority and to such other local authorities as may be prescribed, and shall inform those authorities whether he has granted or refused the application; and those authorities shall take such steps as may be prescribed for informing the public of the application and its grant or refusal.
- (5) If any question arises under this Act whether any land is part of the forests mentioned in subsection (1) of this section it shall be referred to and decided by the Minister.]

Changes to legislation: There are currently no known outstanding effects for the Commons Registration Act 1965. (See end of Document for details)

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)

Marginal Citations

- M1** 1899 c. 30.
M2 1876 c. 56.

[^{F1}12] Subsequent registration under Land Registration Act 1925 and 1936. **E+W**

The following provisions shall have effect with respect to the registration [^{F6}in the register of title] of any land after the ownership of the land has been registered under this Act, that is to say—

- ^{F7}(a)
- (b) if the registration authority is notified by the Chief Land Registrar that the land has been registered [^{F6}in the register of title] the authority shall delete the registration of the ownership under this Act and indicate in the register in the prescribed manner that it has been registered under those Acts.]

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)
- F6** Words in s. 12 substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 7\(4\)](#) (with s. 129); [S.I. 2003/1725](#), art. 2(1)
- F7** S. 12(a) repealed (1.4.1998) by [1997 c. 2](#), s. 4(2), [Sch. 2 Pt. I](#); [S.I. 1997/3036](#), art. 2(c)

[^{F1}13] Amendment of registers. **E+W**

Regulations under this Act shall provide for the amendment of the registers maintained under this Act where—

Changes to legislation: There are currently no known outstanding effects for the Commons Registration Act 1965. (See end of Document for details)

- F1(a)
- F1(b)
- (c) any rights registered under this Act are apportioned, extinguished or released, or are varied or transferred in such circumstances as may be prescribed;
- F8]

Textual Amendments

- F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)
- F8 Words repealed by [Law of Property Act 1969 \(c. 59\)](#), s. 16(2), [Sch. 2 Pt. I](#) as regards the Yorkshire deeds registries, their registers and areas

[^{F1}14 **Rectification of registers.** E+W

The High Court may order a register maintained under this Act to be amended if—

- (a) the registration under this Act of any land or rights of common has become final and the court is satisfied that any person was induced by fraud to withdraw an objection to the registration or to refrain from making such an objection; or
- (b) the register has been amended in pursuance of section 13 of this Act and it appears to the court that no amendment or a different amendment ought to have been made and that the error cannot be corrected in pursuance of regulations made under this Act;

and, in either case, the court deems it just to rectify the register.]

Textual Amendments

- F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

[^{F1}15 **Quantification of certain grazing rights.** **E+W**

- (1) Where a right of common consists of or includes a right, not limited by number, to graze animals or animals of any class, it shall for the purposes of registration under this Act be treated as exercisable in relation to no more animals, or animals of that class, than a definite number.
- (2) Any application for the registration of such a right shall state the number of animals to be entered in the register or, as the case may be, the numbers of animals of different classes to be so entered.
- (3) When the registration of such a right has become final the right shall accordingly be exercisable in relation to animals not exceeding the number or numbers registered or such other number or numbers as Parliament may hereafter determine.]

Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)

[^{F1}16 **Disregard of certain interruptions in prescriptive claims to rights of common.** **E+W**

- (1) Where during any period a right of common claimed over any land was not exercised, but during the whole or part of that period either—
 - (a) the land was requisitioned; or
 - (b) where the right claimed is a right to graze animals, the right could not be or was not exercised for reasons of animal health;that period or part shall be left out of account, both—
 - (i) in determining for the purposes of the ^{M3}Prescription Act 1832 whether there was an interruption within the meaning of that Act of the actual enjoyment of the right; and
 - (ii) in computing the period of thirty or sixty years mentioned in section 1 of that Act.
- (2) For the purposes of the said Act any objection under this Act to the registration of a right of common shall be deemed to be such a suit or action as is referred to in section 4 of that Act.
- (3) In this section “requisitioned” means in the possession of a Government department in the exercise or purported exercise of powers conferred by regulations made under the ^{M4}Emergency Powers (Defence) Act 1939 or by Part VI of the ^{M5}Requisitioned Land and War Works Act 1945; and in determining in any proceedings any question arising under this section whether any land was requisitioned during any period a document

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purporting to be a certificate to that effect issued by a Government department shall be admissible in evidence.

- (4) Where it is necessary for the purposes of this section to establish that a right to graze animals on any land could not be or was not exercised for reasons of animal health it shall be sufficient to prove either—
- (a) that the movement of the animals to that land was prohibited or restricted by or under the ^{M6}Diseases of Animals Act 1950 or any enactment repealed by that Act; or
 - (b) that the land was not, but some other land was, approved for grazing under any scheme in force under that Act or any such enactment and the animals were registered, or were undergoing tests with a view to registration, under the scheme.]

Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

Marginal Citations

M3 1832 c. 71.
M4 1939 c. 62.
M5 1945 c. 43.
M6 1950 c. 36.

F117 Commons Commissioners and assessors. **E+W**

Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); S.I. 2006/2504, art. 2(h) (with art. 3); S.I. 2007/456, art. 3(e) (with art. 4); S.I. 2007/2386, art. 3(p) (with art. 4); S.I. 2008/1960, art. 2(1)(h) (with art. 3); S.I. 2010/2356, art. 3(2) (with art. 4); S.I. 2014/3026, art. 3(1)(i) (with art. 5)

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^{F1}18 Appeals from Commons Commissioners. E+W

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Textual Amendments

F1 Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)

[^{F1}19 Regulations. E+W

- (1) The Minister may make regulations—
 - (a) for prescribing the form of the registers to be maintained under this Act and of any applications and objections to be made and notices and certificates to be given thereunder;
 - (b) for regulating the procedure of registration authorities in dealing with applications for registration and with objections;
 - ^{F1}(c)
 - (d) for requiring registration authorities to supply by post, on payment of such fee as may be prescribed, such information relating to the entries in the registers kept by them as may be prescribed;
 - ^{F1}(e)
 - ^{F1}(f)
 - (g) for enabling [^{F9}the Diocesan Board of Finance for the diocese in which the land is situated] to act with respect to any land or rights belonging to an ecclesiastical benefice of the Church of England which is vacant;
 - ^{F1}(h)
 - ^{F1}(i)
 - (j) for the correction of errors and omissions in the registers;
 - [^{F1}(k) for prescribing anything required or authorised to be prescribed by this Act.]
- (2) The regulations may make provision for the preparation of maps to accompany applications for registration and the preparation, as part of the registers, of maps showing any land registered therein and any land to which rights of common registered therein are attached, and for requiring registration authorities to deposit copies of such maps with such Government departments and other authorities as may be prescribed.
- (3) The regulations may prescribe the payment of a fee not exceeding five pounds on an application made after the end of such period as may be specified in the regulations.
- (4) The regulation may make different provision with respect to different circumstances.

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- (5) Regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)
- F9** Words in s. 19(1)(g) substituted (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 13](#); 2006 No. 2, Instrument made by Archbishops

Modifications etc. (not altering text)

- C2** S. 19 extended by [Common Land \(Rectification of Registers\) Act 1989 \(c. 18, SIF 25\)](#), s. 2
- C3** S. 19(1)(4)(5) amended by [Common Land \(Rectification of Registers\) Act 1989 \(c. 18, SIF 25\)](#), s. 2

20 Orders. **E+W**

- (1) Any order made by the Minister under any provision of this Act may be varied or revoked by subsequent order made thereunder.
- (2) Any such order, other than an order made under section 11 of this Act, shall be made by statutory instrument.
- (3) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

21 Savings. **E+W**

- (1) Section 1(2) of this Act shall not affect the application to any land registered under this Act of section 193 or section 194 of the ^{M7}Law of Property Act 1925 (rights of access to, and restriction on inclosure of, land over which rights of common are exercisable).
- (2) Section 10 of this Act shall not apply for the purpose of deciding whether any land forms part of a highway.

Marginal Citations

- M7** 1925 c. 20.

22 Interpretation. **E+W**

- (1) In this Act, unless the context otherwise requires, “common land” means—

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- (a) land subject to rights of common (as defined in this Act) whether those rights are exercisable at all times or only during limited periods;
 - (b) waste land of a manor not subject to rights of common;
- but does not include a town or village green or any land which forms part of a highway;
- “land” includes land covered with water;
- “local authority” means ^{F10}... the council of a county, ^{F11}..., London borough or county district, the council of a parish ^{F11}...;
- “the Minister” means the [^{F12}Secretary of State];
- “prescribed” means prescribed by regulations under this Act;
- [^{F13}“register of title” means the register kept under section 1 of the Land Registration Act 2002;]
- “registration” includes an entry in the register made in pursuance of section 13 of this Act;
- “rights of common” includes cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture, but does not include rights held for a term of years or from year to year;
- “town or village green” means land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality or on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes [^{F14}or which falls within subsection (1A) of this section].

[^{F15}(1A) Land falls within this subsection if it is land on which for not less than twenty years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, and either—

- (a) continue to do so, or
- (b) have ceased to do so for not more than such period as may be prescribed, or determined in accordance with prescribed provisions.

(1B) If regulations made for the purposes of paragraph (b) of subsection (1A) of this section provide for the period mentioned in that paragraph to come to an end unless prescribed steps are taken, the regulations may also require registration authorities to make available in accordance with the regulations, on payment of any prescribed fee, information relating to the taking of any such steps.]

(2) References in this Act to the ownership and the owner of any land are references to the ownership of a legal estate in fee simple in any land and to the person holding that estate, and references to land registered [^{F16}in the register of title] are references to land the fee simple of which is so registered.

Textual Amendments

- F10** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F11** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F12** Words substituted by virtue of [S.I. 1967/156](#) and [1970/1681](#)
- F13** Words in s. 22(1) inserted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 7\(5\)](#) (with s. 129); [S.I. 2003/1725](#), art. 2(1)
- F14** S. 22(1): Words in definition substituted (30.1.2001) by [2000 c. 37](#), [ss. 98\(2\)](#), 103(2)
- F15** S. 22(1A)(1B) inserted (30.1.2001) by [2000 c. 37](#), [ss. 98\(3\)](#), 103(2)
- F16** Words in s. 22(2) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 7\(6\)](#) (with s. 129); [S.I. 2003/1725](#), art. 2(1)

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23 Application to Crown. E+W

- (1) This Act shall apply in relation to land in which there is a Crown or Duchy interest as it applies in relation to land in which there is no interest.
- (2) In this section “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department.

24 Expenses. E+W

There shall be defrayed out of moneys provided by Parliament any expenses of the Minister under this Act and any increase attributable to this Act in the sums payable under any other Act out of moneys so provided.

25 Short title, commencement and extent. E+W

- (1) This Act may be cited as the Commons Registration Act 1965.
- (2) This Act shall come into force on such day as the Minister may by order appoint, and different days may be so appointed for different purposes; and any reference in any provision to the commencement of this Act is a reference to the date on which that provision comes into force.
- (3) This Act does not extend to Scotland or to Northern Ireland.

Modifications etc. (not altering text)

C4 Power of appointment conferred by s. 25(2) fully exercised: S.I., 1965/2000 and 1966/971

Changes to legislation:

There are currently no known outstanding effects for the Commons Registration Act 1965.