



# Commons Act 2006

## 2006 CHAPTER 26

### PART 1

#### REGISTRATION

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##### **Modifications etc. (not altering text)**

- C1** Pt. 1 excluded (9.6.2009) by [Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 1, **46(5)** (with [Sch. 13 para. 14\(2\)](#), [Sch. 14 para. 19](#), [Sch. 16](#))
- C2** Pt. 1 excluded (9.6.2009) by [Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 1, **5(11)** (with [Sch. 13 para. 14\(2\)](#), [Sch. 14 para. 19](#))
- C3** Pt. 1 excluded (9.6.2009) by [Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 1, **35(6)** (with [Sch. 13 para. 14\(2\)](#), [Sch. 14 para. 19](#))

#### *Introductory*

### **1 Registers of common land and greens**

Each commons registration authority shall continue to keep—

- (a) a register known as a register of common land; and
- (b) a register known as a register of town or village greens.

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##### **Commencement Information**

- II** [S. 1](#) in force at 1.10.2008 for specified purposes for E. by [S.I. 2008/1960](#), art. 2(1)(a), [Sch.](#) (with art. 3)

### **2 Purpose of registers**

(1) The purpose of a register of common land is—

- (a) to register land as common land; and
- (b) to register rights of common exercisable over land registered as common land.

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

- (2) The purpose of a register of town or village greens is—
- (a) to register land as a town or village green; and
  - (b) to register rights of common exercisable over land registered as a town or village green.

#### Commencement Information

**I2** S. 2 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(a), Sch. (with art. 3)

### 3 Content of registers

- (1) The land registered as common land in a register of common land is, subject to this Part, to be—
  - (a) the land so registered in it at the commencement of this section; and
  - (b) such other land as may be so registered in it under this Part.
- (2) The land registered as a town or village green in a register of town or village greens is, subject to this Part, to be—
  - (a) the land so registered in it at the commencement of this section; and
  - (b) such other land as may be so registered in it under this Part.
- (3) The rights of common registered in a register of common land or town or village greens are, subject to this Part, to be—
  - (a) the rights registered in it at the commencement of this section; and
  - (b) such other rights as may be so registered in it under this Part.
- (4) The following information is to be registered in a register of common land or town or village greens in respect of a right of common registered in it—
  - (a) the nature of the right;
  - (b) if the right is attached to any land, the land to which it is attached;
  - (c) if the right is not so attached, the owner of the right.
- (5) Regulations may—
  - (a) require or permit other information to be included in a register of common land or town or village greens;
  - (b) make provision as to the form in which any information is to be presented in such a register.
- (6) Except as provided under this Part or any other enactment—
  - (a) no land registered as common land or as a town or village green is to be removed from the register in which it is so registered;
  - (b) no right of common registered in a register of common land or town or village greens is to be removed from that register.
- (7) No right of common over land to which this Part applies is to be registered in the register of title.

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

#### Commencement Information

- I3** S. 3 partly in force; s. 3 not in force at Royal Assent see s. 56(1); s. 3(5) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I4** S. 3 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(a), Sch. (with art. 3)

## 4 Commons registration authorities

- (1) The following are commons registration authorities—
- (a) a county council in England;
  - (b) a district council in England for an area without a county council;
  - (c) a London borough council; and
  - (d) a county or county borough council in Wales.
- (2) For the purposes of this Part, the commons registration authority in relation to any land is the authority in whose area the land is situated.
- (3) Where any land falls within the area of two or more commons registration authorities, the authorities may by agreement provide for one of them to be the commons registration authority in relation to the whole of the land.

#### Commencement Information

- I5** S. 4 wholly in force at 6.9.2007; s. 4 not in force at Royal Assent see s. 56(1); s. 4 in force for E. at 6.4.2007 by S.I. 2007/456, art. 3; s. 4 in force for W. at 6.9.2007 by S.I. 2007/2386, art. 3

## 5 Land to which Part 1 applies

- (1) This Part applies to all land in England and Wales, subject as follows.
- (2) This Part does not apply to—
- (a) the New Forest; or
  - (b) Epping Forest.
- (3) This Part shall not be taken to apply to the Forest of Dean.
- (4) If any question arises under this Part whether any land is part of the forests mentioned in this section it is to be referred to and decided by the appropriate national authority.

#### Commencement Information

- I6** S. 5 wholly in force at 6.9.2007; s. 5 not in force at Royal Assent see s. 56(1); s. 5 in force for E. at 6.4.2007 by S.I. 2007/456, art. 3; s. 5 in force for W. at 6.9.2007 by S.I. 2007/2386, art. 3

### *Registration of rights of common*

## 6 Creation

- (1) A right of common cannot at any time after the commencement of this section be created over land to which this Part applies by virtue of prescription.

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*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

- (2) A right of common cannot at any time after the commencement of this section be created in any other way over land to which this Part applies except—
  - (a) as specified in subsection (3); or
  - (b) pursuant to any other enactment.
- (3) A right of common may be created over land to which this Part applies by way of express grant if—
  - (a) the land is not registered as a town or village green; and
  - (b) the right is attached to land.
- (4) The creation of a right of common in accordance with subsection (3) only has effect if it complies with such requirements as to form and content as regulations may provide.
- (5) The creation of a right of common in accordance with subsection (3) does not operate at law until on an application under this section—
  - (a) the right is registered in a register of common land; and
  - (b) if the right is created over land not registered as common land, the land is registered in a register of common land.
- (6) An application under this section to register the creation of a right of common consisting of a right to graze any animal is to be refused if in the opinion of the commons registration authority the land over which it is created would be unable to sustain the exercise of—
  - (a) that right; and
  - (b) if the land is already registered as common land, any other rights of common registered as exercisable over the land.

#### Commencement Information

- I7** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 56(1); s. 6(4) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I8** S. 6 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

## 7 Variation

- (1) For the purposes of this section a right of common is varied if by virtue of any disposition—
  - (a) the right becomes exercisable over new land to which this Part applies instead of all or part of the land over which it was exercisable;
  - (b) the right becomes exercisable over new land to which this Part applies in addition to the land over which it is already exercisable;
  - (c) there is any other alteration in what can be done by virtue of the right.
- (2) A right of common which is registered in a register of common land or town or village greens cannot at any time after the commencement of this section be varied so as to become exercisable over new land if that land is at the time registered as a town or village green.
- (3) A right of common which is registered in a register of town or village greens cannot at any time after the commencement of this section be varied so as to extend what can be done by virtue of the right.

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

- (4) The variation of a right of common which is registered in a register of common land or town or village greens—
- (a) only has effect if it complies with such requirements as to form and content as regulations may provide; and
  - (b) does not operate at law until, on an application under this section, the register is amended so as to record the variation.
- (5) An application under this section to record a variation of a right of common consisting of a right to graze any animal is to be refused if in the opinion of the commons registration authority the land over which the right is or is to be exercisable would, in consequence of the variation, be unable to sustain the exercise of—
- (a) that right; and
  - (b) if the land is already registered as common land, any other rights of common registered as exercisable over the land.

#### Commencement Information

- I9** S. 7 partly in force; s. 7 not in force at Royal Assent see s. 56(1); s. 7(4) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I10** S. 7 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

## 8 Apportionment

- (1) Regulations may make provision as to the amendments to be made to a register of common land or town or village greens where a right of common which is registered in a register of common land or town or village greens as attached to any land is apportioned by virtue of any disposition affecting the land.
- (2) Regulations under subsection (1) may provide that a register is only to be amended when—
- (a) a disposition relating to an apportioned right itself falls to be registered under this Part; or
  - (b) the register falls to be amended under section 11.
- (3) Where at any time—
- (a) a right of common which is registered in a register of common land or town or village greens as attached to any land has been apportioned by virtue of any disposition affecting the land, and
  - (b) no amendments have been made under subsection (1) in respect of the apportionment of that right,
- the rights of common subsisting as a result of the apportionment shall be regarded as rights which are registered in that register as attached to the land to which they attach as a result of the apportionment.

#### Commencement Information

- I11** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 56(1); s. 8(1)(2) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I12** S. 8 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

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## 9 Severance

- (1) This section applies to a right of common which—
  - (a) is registered in a register of common land or town or village greens as attached to any land; and
  - (b) would, apart from this section, be capable of being severed from that land.
- (2) A right of common to which this section applies is not at any time on or after the day on which this section comes into force capable of being severed from the land to which it is attached, except—
  - (a) where the severance is authorised by or under Schedule 1; or
  - (b) where the severance is authorised by or under any other Act.
- (3) Where any instrument made on or after the day on which this section comes into force would effect a disposition in relation to a right of common to which this section applies in contravention of subsection (2), the instrument is void to the extent that it would effect such a disposition.
- (4) Where by virtue of any instrument made on or after the day on which this section comes into force—
  - (a) a disposition takes effect in relation to land to which a right of common to which this section applies is attached, and
  - (b) the disposition would have the effect of contravening subsection (2),
 the disposition also has effect in relation to the right notwithstanding anything in the instrument to the contrary.
- (5) Where by virtue of any instrument made on or after the day on which this section comes into force a right of common to which this section applies falls to be apportioned between different parts of the land to which it is attached, the instrument is void to the extent that it purports to apportion the right otherwise than rateably.
- (6) Nothing in this section affects any instrument made before, or made pursuant to a contract made in writing before, the day on which this section comes into force.
- (7) This section and Schedule 1 shall be deemed to have come into force on 28 June 2005 (and an order under paragraph 2 of that Schedule may have effect as from that date).

## 10 Attachment

- (1) This section applies to any right of common which is registered in a register of common land or town or village greens but is not registered as attached to any land.
- (2) The owner of the right may apply to the commons registration authority for the right to be registered in that register as attached to any land, provided that—
  - (a) he is entitled to occupy the land; or
  - (b) the person entitled to occupy the land has consented to the application.

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### Commencement Information

**I13** S. 10 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

*Status: Point in time view as at 01/10/2013.*

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## 11 Re-allocation of attached rights

(1) Where—

- (a) a right of common is registered in a register of common land or town or village greens as attached to any land, and
- (b) subsection (2), (3) or (4) applies in relation to part of the land (“the relevant part”),

the owner of the land may apply to the commons registration authority for the register to be amended so as to secure that the right does not attach to the relevant part.

(2) This subsection applies where the relevant part is not used for agricultural purposes.

(3) This subsection applies where planning permission has been granted for use of the relevant part for purposes which are not agricultural purposes.

(4) This subsection applies where—

- (a) an order authorising the compulsory purchase of the relevant part by any authority has been made in accordance with the Acquisition of Land Act 1981 (c. 67) (and, if the order requires to be confirmed under Part 2 of that Act, has been so confirmed);
- (b) the relevant part has not vested in the authority; and
- (c) the relevant part is required for use other than use for agricultural purposes.

(5) Regulations may for the purposes of subsections (2) to (4) make provision as to what is or is not to be regarded as use of land for agricultural purposes.

(6) Regulations may provide that an application under this section is not to be granted without the consent of any person specified in the regulations.

### Commencement Information

- I14** S. 11 partly in force; s. 11 not in force at Royal Assent see s. 56(1); s. 11(5)(6) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I15** S. 11 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

## 12 Transfer of rights in gross

The transfer of a right of common which is registered in a register of common land or town or village greens but is not registered as attached to any land—

- (a) only has effect if it complies with such requirements as to form and content as regulations may provide; and
- (b) does not operate at law until, on an application under this section, the transferee is registered in the register as the owner of the right.

### Commencement Information

- I16** S. 12 partly in force; s. 12 not in force at Royal Assent see s. 56(1); s. 12(a) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I17** S. 12 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

### 13 Surrender and extinguishment

- (1) The surrender to any extent of a right of common which is registered in a register of common land or town or village greens—
  - (a) only has effect if it complies with such requirements as to form and content as regulations may provide; and
  - (b) does not operate at law until, on an application under this section, the right is removed from the register.
- (2) The reference in subsection (1) to a surrender of a right of common does not include a disposition having the effect referred to in section 7(1)(a).
- (3) A right of common which is registered in a register of common land or town or village greens cannot be extinguished by operation of common law.

#### Commencement Information

- 118** S. 13 partly in force; s. 13 not in force at Royal Assent see s. 56(1); s. 13(1)(a) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- 119** S. 13 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

#### *Registration, deregistration and exchange of land*

### 14 Statutory dispositions

- (1) Regulations may make provision as to the amendment of a register of common land or town or village greens where by virtue of any relevant instrument—
  - (a) a disposition is made in relation to land registered in it as common land or as a town or village green; or
  - (b) a disposition is made in relation to a right of common registered in it.
- (2) Regulations may provide that, where—
  - (a) by virtue of any relevant instrument a disposition is made in relation to land registered as common land or as a town or village green,
  - (b) by virtue of regulations under subsection (1) the land ceases to be so registered, and
  - (c) in connection with the disposition other land is given in exchange, the land given in exchange is to be registered as common land or as a town or village green.
- (3) In this section, “relevant instrument” means—
  - (a) any order, deed or other instrument made under or pursuant to the Acquisition of Land Act 1981 (c. 67);
  - (b) a conveyance made for the purposes of section 13 of the New Parishes Measure 1943 (No. 1);
  - (c) any other instrument made under or pursuant to any enactment.
- (4) Regulations under this section may require the making of an application to a commons registration authority for amendment of a register of common land or town or village greens.



*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

- (5) Regulations under this section may provide that a relevant instrument, so far as relating to land registered as common land or as a town or village green or to any right of common, is not to operate at law until any requirement for which they provide is complied with.

#### Commencement Information

- I20** S. 14 partly in force; s. 14 not in force at Royal Assent see s. 56(1); s. 14 in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386](#), [art. 2](#)
- I21** S. 14 in force at 1.10.2008 for specified purposes for E. by [S.I. 2008/1960](#), [art. 2\(1\)\(c\)](#), [Sch.](#) (with [art. 3](#))

## 15 Registration of greens

- (1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.
- (2) This subsection applies where—
- (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
  - (b) they continue to do so at the time of the application.
- (3) This subsection applies where—
- (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
  - (b) they ceased to do so before the time of the application but after the commencement of this section; and
  - (c) the application is made within [<sup>F1</sup>the relevant period ].
- [<sup>F2</sup>(3A) In subsection (3), “ the relevant period ” means—
- (a) in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b);
  - (b) in the case of an application relating to land in Wales, the period of two years beginning with that cessation.]
- (4) This subsection applies (subject to subsection (5)) where—
- (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
  - (b) they ceased to do so before the commencement of this section; and
  - (c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).
- (5) Subsection (4) does not apply in relation to any land where—
- (a) planning permission was granted before 23 June 2006 in respect of the land;
  - (b) construction works were commenced before that date in accordance with that planning permission on the land or any other land in respect of which the permission was granted; and

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- (c) the land—
- (i) has by reason of any works carried out in accordance with that planning permission become permanently unusable by members of the public for the purposes of lawful sports and pastimes; or
  - (ii) will by reason of any works proposed to be carried out in accordance with that planning permission become permanently unusable by members of the public for those purposes.
- (6) In determining the period of 20 years referred to in subsections (2)(a), (3)(a) and (4)(a), there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.
- (7) For the purposes of subsection (2)(b) in a case where the condition in subsection (2)(a) is satisfied—
- (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6), those persons are to be regarded as continuing so to indulge; and
  - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land “as of right”.
- (8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.
- (9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.
- (10) In subsection (9)—
- “relevant charge” means—
- (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);
  - (b) in relation to land which is not so registered—
    - (i) a charge registered under the Land Charges Act 1972 (c. 61); or
    - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c. 20), which is not registered under the Land Charges Act 1972;
- “relevant leaseholder” means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.

#### Textual Amendments

- F1** Words in s. 15(3)(c) substituted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 14(2)**, 35(1); S.I. 2013/1488, art. 6 (with art. 8(2))
- F2** S. 15(3A) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 14(3)**, 35(1); S.I. 2013/1488, art. 6 (with art. 8(2))

#### Modifications etc. (not altering text)

- C4** S. 15 excluded (1.2.2011) by [The River Mersey \(Mersey Gateway Bridge\) Order 2011 \(S.I. 2011/41\)](#), arts. 1, **49** (with art. 51, Sch. 10 paras. 68, 85)

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

#### **Commencement Information**

**I22** S. 15 wholly in force at 6.9.2007; s. 15 not in force at Royal Assent see s. 56(1); s. 15 in force for E. at 6.4.2007 by S.I. 2007/456, **art. 3** (with **art. 4(1)**); s. 15 in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3** (with **art. 4(1)**)

### **[<sup>F3</sup>15A Registration of greens: statement by owner**

- (1) Where the owner of any land in England to which this Part applies deposits with the commons registration authority a statement in the prescribed form, the statement is to be regarded, for the purposes of section 15, as bringing to an end any period during which persons have indulged as of right in lawful sports and pastimes on the land to which the statement relates.
- (2) Subsection (1) does not prevent a new period commencing.
- (3) A statement under subsection (1) must be accompanied by a map in the prescribed form identifying the land to which the statement relates.
- (4) An owner of land may deposit more than one statement under subsection (1) in respect of the same land.
- (5) If more than one statement is deposited in respect of the same land, a later statement (whether or not made by the same person) may refer to the map which accompanied an earlier statement and that map is to be treated, for the purposes of this section, as also accompanying the later statement.
- (6) Where a statement is deposited under subsection (1), the commons registration authority must take the prescribed steps in relation to the statement and accompanying map and do so in the prescribed manner and within the prescribed period (if any).
- (7) Regulations may make provision—
  - (a) for a statement required for the purposes of this section to be combined with a statement or declaration required for the purposes of section 31(6) of the Highways Act 1980;
  - (b) for the requirement in subsection (3) to be satisfied by the statement referring to a map previously deposited under section 31(6) of the Highways Act 1980;
  - (c) as to the fees payable in relation to the depositing of a statement under subsection (1) (including provision for a fee payable under the regulations to be determined by the commons registration authority);
  - (d) as to when a statement under subsection (1) is to be regarded as having been deposited with the commons registration authority.
- (8) An agreement under section 4(3) of this Act or section 2(2) of the Commons Registration Act 1965 which would have the effect of requiring an owner of land to deposit a statement under subsection (1) with a registration authority in Wales is to be disregarded for the purposes of this section.
- (9) In this section “ prescribed ” means prescribed in regulations.

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

#### Textual Amendments

**F3** Ss. 15A , 15B inserted (25.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 15, 35(1)**; S.I. 2013/1488, **art. 4(b)**; S.I. 2013/1766, **art. 3(b)**

### 15B Register of section 15A statements

- (1) Each commons registration authority must keep, in such manner as may be prescribed, a register containing prescribed information about statements deposited under section 15A(1) and the maps accompanying those statements.
- (2) The register kept under this section must be available for inspection free of charge at all reasonable hours.
- (3) A commons registration authority may discharge its duty under subsection (1) by including the prescribed information in the register kept by it under section 31A of the Highways Act 1980 (register of maps and statements deposited and declarations lodged under section 31(6) of that Act).
- (4) Regulations may make provision—
  - (a) where a commons registration authority discharges its duty under subsection (1) in the way described in subsection (3), for the creation of a new part of the register kept under section 31A of the Highways Act 1980 for that purpose;
  - (b) as to the circumstances in which an entry relating to a statement deposited under section 15A(1) or a map accompanying such a statement, or anything relating to the entry, is to be removed from the register kept under this section or (as the case may be) the register kept under section 31A of the Highways Act 1980.
- (5) In this section “ prescribed ” means prescribed in regulations. ]

#### Textual Amendments

**F3** Ss. 15A , 15B inserted (25.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 15, 35(1)**; S.I. 2013/1488, **art. 4(b)**; S.I. 2013/1766, **art. 3(b)**

### [<sup>F4</sup>15C Registration of greens: exclusions

- (1) The right under section 15(1) to apply to register land in England as a town or village green ceases to apply if an event specified in the first column of the Table set out in Schedule 1A has occurred in relation to the land (“a trigger event”).
- (2) Where the right under section 15(1) has ceased to apply because of the occurrence of a trigger event, it becomes exercisable again only if an event specified in the corresponding entry in the second column of the Table occurs in relation to the land (“ a terminating event ”).
- (3) The Secretary of State may by order make provision as to when a trigger or a terminating event is to be treated as having occurred for the purposes of this section.

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

- (4) The Secretary of State may by order provide that subsection (1) does not apply in circumstances specified in the order.
- (5) The Secretary of State may by order amend Schedule 1A so as to—
  - (a) specify additional trigger or terminating events;
  - (b) amend or omit any of the trigger or terminating events for the time being specified in the Schedule.
- (6) A trigger or terminating event specified by order under subsection (5)(a) must be an event related to the development (whether past, present or future) of the land.
- (7) The transitional provision that may be included in an order under subsection (5)(a) specifying an additional trigger or terminating event includes provision for this section to apply where such an event has occurred before the order is made or before it comes into force and as to its application in such a case.
- (8) For the purposes of determining whether an application under section 15 is made within the period mentioned in section 15(3)(c), any period during which an application to register land as a town or village green may not be made by virtue of this section is to be disregarded.]

#### Textual Amendments

- F4** S. 15C inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 16(1), 35(2)** (with [s. 16\(4\)\(5\)](#))

## 16 Deregistration and exchange: applications

- (1) The owner of any land registered as common land or as a town or village green may apply to the appropriate national authority for the land (“the release land”) to cease to be so registered.
- (2) If the release land is more than 200 square metres in area, the application must include a proposal under subsection (3).
- (3) A proposal under this subsection is a proposal that land specified in the application (“replacement land”) be registered as common land or as a town or village green in place of the release land.
- (4) If the release land is not more than 200 square metres in area, the application may include a proposal under subsection (3).
- (5) Where the application includes a proposal under subsection (3)—
  - (a) the replacement land must be land to which this Part applies;
  - (b) the replacement land must not already be registered as common land or as a town or village green; and
  - (c) if the owner of the release land does not own the replacement land, the owner of the replacement land must join in the application.
- (6) In determining the application, the appropriate national authority shall have regard to—
  - (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);

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- (b) the interests of the neighbourhood;
  - (c) the public interest;
  - (d) any other matter considered to be relevant.
- (7) The appropriate national authority shall in a case where—
- (a) the release land is not more than 200 square metres in area, and
  - (b) the application does not include a proposal under subsection (3),
- have particular regard under subsection (6) to the extent to which the absence of such a proposal is prejudicial to the interests specified in paragraphs (a) to (c) of that subsection.
- (8) The reference in subsection (6)(c) to the public interest includes the public interest in—
- (a) nature conservation;
  - (b) the conservation of the landscape;
  - (c) the protection of public rights of access to any area of land; and
  - (d) the protection of archaeological remains and features of historic interest.
- (9) An application under this section may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over—
- (a) the release land;
  - (b) any replacement land.
- (10) In subsection (9) “relevant charge” and “relevant leaseholder” have the meanings given by section 15(10).

#### Commencement Information

- I23** S. 16 partly in force; s. 16 not in force at Royal Assent see s. 56(1); s. 16 in force for E. at 1.10.2007 by [S.I. 2007/2584](#), [art. 2](#) (with [art. 3](#))
- I24** S. 16 in force at 1.4.2012 for W. by [S.I. 2012/739](#), [art. 2\(a\)](#) (with [art. 4\(1\)](#))

## 17 Deregistration and exchange: orders

- (1) Where the appropriate national authority grants an application under section 16 it must make an order requiring the commons registration authority to remove the release land from its register of common land or town or village greens.
- (2) Where the application included a proposal to register replacement land, the order shall also require the commons registration authority—
- (a) to register the replacement land as common land or as a town or village green in place of the release land; and
  - (b) to register as exercisable over the replacement land any rights of common which, immediately before the relevant date, are registered as exercisable over the release land.
- (3) A commons registration authority must take such other steps on receiving an order under this section as regulations may require.
- (4) Where immediately before the relevant date any rights of common are registered as exercisable over the release land, those rights are on that date extinguished in relation to that land.

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- (5) Where immediately before the relevant date any rights are exercisable over the release land by virtue of its being, or being part of, a town or village green—
- (a) those rights are extinguished on that date in respect of the release land; and
  - (b) where any replacement land is registered in its place, those rights shall become exercisable as from that date over the replacement land instead.
- (6) Where immediately before the relevant date the release land was registered as common land and any relevant provision applied in relation to it—
- (a) the provision shall on that date cease to apply to the release land; and
  - (b) where any replacement land is registered in its place, the provision shall on that date apply to the replacement land instead.
- (7) An order under this section may contain—
- (a) provision disapplying the effect of subsection (5)(b) or (6)(b) in relation to any replacement land;
  - (b) supplementary provision as to the effect in relation to any replacement land of—
    - (i) any rights exercisable over the release land by virtue of its being, or being part of, a town or village green;
    - (ii) any relevant provision;
  - (c) supplementary provision as to the effect in relation to the release land or any replacement land of any local or personal Act.
- (8) In subsections (6) and (7) “relevant provision” means a provision contained in, or made under—
- (a) section 193 of the Law of Property Act 1925 (c. 20);
  - (b) a scheme under the Metropolitan Commons Act 1866 (c. 122);
  - (c) an Act under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners;
  - (d) a scheme under the Commons Act 1899 (c. 30);
  - (e) section 1 of the Commons Act 1908 (c. 44).
- (9) In this section, “relevant date” means the date on which the commons registration authority amends its register as required under subsections (1) and (2).
- (10) Regulations may make provision for the publication of an order under this section.

#### Commencement Information

- I25** S. 17 partly in force; s. 17 not in force at Royal Assent see s. 56(1); s. 17(3)(10) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386, art. 2](#); s. 17 in force for E. at 1.10.2007 by [S.I. 2007/2584, art. 2](#) (with [art. 3](#))
- I26** S. 17(1) (2) s. 17(4)-(9) in force at 1.4.2012 for W. by [S.I. 2012/739, art. 2\(b\)](#) (with [art. 4\(1\)](#))
- I27** S. 17(3)(10) in force at 1.4.2012 for W. in so far as not already in force by [S.I. 2012/739, art. 3\(a\)](#) (with [art. 4\(1\)](#))

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*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

### *Conclusiveness and correction of the registers*

## **18 Conclusiveness**

- (1) This section applies to land registered as common land, or as a town or village green, which is registered as being subject to a right of common.
- (2) If the land would not otherwise have been subject to that right, it shall be deemed to have become subject to that right, as specified in the register, upon its registration.
- (3) If the right is registered as attached to any land, the right shall, if it would not otherwise have attached to that land, be deemed to have become so attached upon registration of its attachment.
- (4) If the right is not registered as attached to any land, the person registered as the owner of the right shall, if he would not otherwise have been its owner, be deemed to have become its owner upon his registration.
- (5) Nothing in subsection (2) affects any constraint on the exercise of a right of common where the constraint does not appear in the register.
- (6) It is immaterial whether the registration referred to in subsection (2), (3) or (4) occurred before or after the commencement of this section.

#### **Commencement Information**

**I28** S. 18 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(d), Sch. (with art. 3)

## **19 Correction**

- (1) A commons registration authority may amend its register of common land or town or village greens for any purpose referred to in subsection (2).
- (2) Those purposes are—
  - (a) correcting a mistake made by the commons registration authority in making or amending an entry in the register;
  - (b) correcting any other mistake, where the amendment would not affect—
    - (i) the extent of any land registered as common land or as a town or village green; or
    - (ii) what can be done by virtue of a right of common;
  - (c) removing a duplicate entry from the register;
  - (d) updating the details of any name or address referred to in an entry;
  - (e) updating any entry in the register relating to land registered as common land or as a town or village green to take account of accretion or diluvion.
- (3) References in this section to a mistake include—
  - (a) a mistaken omission, and
  - (b) an unclear or ambiguous description,
 and it is immaterial for the purposes of this section whether a mistake was made before or after the commencement of this section.
- (4) An amendment may be made by a commons registration authority—



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- (a) on its own initiative; or
  - (b) on the application of any person.
- (5) A mistake in a register may not be corrected under this section if the authority considers that, by reason of reliance reasonably placed on the register by any person or for any other reason, it would in all the circumstances be unfair to do so.
- (6) Regulations may make further provision as to the criteria to be applied in determining an application or proposal under this section.
- (7) The High Court may order a commons registration authority to amend its register of common land or town or village greens if the High Court is satisfied that—
- (a) any entry in the register, or any information in an entry, was at any time included in the register as a result of fraud; and
  - (b) it would be just to amend the register.

#### Commencement Information

- I29** S. 19 partly in force; s. 19 not in force at Royal Assent see s. 56(1); s. 19(6) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386, art. 2](#)
- I30** S. 19 in force at 1.10.2008 for specified purposes for E. by [S.I. 2008/1960, art. 2\(1\)\(d\)](#), [Sch.](#) (with [art. 3](#))

#### *Information etc*

## 20 Inspection

- (1) Any person may inspect and make copies of, or of any part of—
- (a) a register of common land or town or village greens;
  - (b) any document kept by a commons registration authority which is referred to in such a register;
  - (c) any other document kept by a commons registration authority which relates to an application made at any time in relation to such a register.
- (2) The right in subsection (1) is subject to regulations which may, in particular—
- (a) provide for exceptions to the right;
  - (b) impose conditions on its exercise.
- (3) Conditions under subsection (2)(b) may include conditions requiring the payment of a fee (which may be a fee determined by a commons registration authority).

#### Commencement Information

- I31** S. 20 partly in force; s. 20 not in force at Royal Assent see s. 56(1); s. 20(2)(3) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386, art. 2](#)
- I32** S. 20 in force at 1.10.2008 for specified purposes for E. by [S.I. 2008/1960, art. 2\(1\)\(e\)](#), [Sch.](#) (with [art. 3](#))

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## 21 Official copies

- (1) An official copy of, or of any part of—
- (a) a register of common land or town or village greens,
  - (b) any document kept by a commons registration authority which is referred to in such a register, or
  - (c) any other document kept by a commons registration authority which relates to an application made at any time in relation to such a register,
- is admissible in evidence to the same extent as the original.
- (2) Regulations may make provision for the issue of official copies and may in particular make provision about—
- (a) the form of official copies;
  - (b) who may issue official copies;
  - (c) applications for official copies;
  - (d) the conditions to be met by applicants for official copies.
- (3) Conditions under subsection (2)(d) may include conditions requiring the payment of a fee (which may be a fee determined by a commons registration authority).

### Commencement Information

- I33** S. 21 partly in force; s. 21 not in force at Royal Assent see s. 56(1); s. 21(2)(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I34** S. 21 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(e), Sch. (with art. 3)

### *Transitory and transitional provision*

## 22 Non-registration or mistaken registration under the 1965 Act

Schedule 2 (non-registration or mistaken registration under the Commons Registration Act 1965 (c. 64)) has effect.

### Commencement Information

- I35** S. 22 partly in force; s. 22 not in force at Royal Assent see s. 56(1); s. 22 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I36** S. 22 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), Sch. (with art. 3)

## 23 Transitional

- (1) Schedule 3 (transitional provision) has effect.
- (2) Nothing in Schedule 3 affects the power to make transitional provision and savings in an order under section 56; and an order under that section may modify any provision made by that Schedule.

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*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

#### Commencement Information

- I37** S. 23 partly in force; s. 23 not in force at Royal Assent, see s. 56(1); s. 23 in force for certain purposes for E. at 1.10.2006 by S.I. 2006/2504, art. 2(e); s. 23 in force for certain purposes for W. at 12.8.2007 and 6.9.2007 by S.I. 2007/2386, arts. 2, 3
- I38** S. 23 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

### Supplementary

## 24 Applications etc

- (1) Regulations may make provision as to the making and determination of any application for the amendment of a register of common land or town or village greens under or for the purposes of this Part.
- (2) Regulations under subsection (1) may in particular make provision as to—
- (a) the steps to be taken by a person before making an application;
  - (b) the form of an application;
  - (c) the information or evidence to be supplied with an application;
  - <sup>F5</sup>(d) .....
  - (e) the persons to be notified of an application;
  - (f) the publication of an application;
  - (g) the making of objections to an application;
  - (h) the persons who must be consulted, or whose advice must be sought, in relation to an application;
  - (i) the holding of an inquiry before determination of an application;
  - (j) the evidence to be taken into account in making a determination and the weight to be given to any evidence;
  - (k) the persons to be notified of any determination;
  - (l) the publication of a determination;
  - (m) the amendments to be made by a commons registration authority to a register of common land or town or village greens pursuant to a determination;
  - (n) the time at which any such amendments are to be regarded as having been made.

[<sup>F6</sup>(2A) Regulations under subsection (1) made by the Secretary of State may make provision as to the fees payable in relation to an application (including provision for a fee payable under the regulations to be determined by the person to whom the application is made or (if different) the person by whom the application is to be determined).

(2B) Regulations under subsection (1) made by the Welsh Ministers may make provision as to the fee payable on an application (which may be a fee determined by the person to whom the application is made).]

- (3) In the case of an application made for the purposes of any of—
- (a) sections 6 to 8, 12 and 13,
  - (b) paragraph 1 or 3 of Schedule 1,
  - (c) paragraph 2 or 3 of Schedule 2, and

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- (d) paragraph 2(5)(a) of Schedule 3, regulations under subsection (1) may make provision as to the persons entitled to make the application.
- (4) An application made for the purposes of any of—
- (a) sections 6, 7, 10, 11, 12, 13 and 15, and
  - (b) paragraph 1 or 3 of Schedule 1,
- shall, subject to any provision made by or under this Part, be granted.
- (5) Regulations under subsection (1) may include provision for the appropriate national authority to appoint a person to discharge any or all of its functions in relation to an application made to it under section 16.
- (6) Regulations may make provision as to the making and determination of any proposal by a commons registration authority to amend a register on its own initiative pursuant to section 19, Schedule 2 or paragraph 2(5)(b) of Schedule 3.
- (7) Regulations under subsection (6) may in particular make provision as to—
- (a) the persons to be notified of a proposal;
  - (b) the publication of a proposal (and the information or evidence to be published with a proposal);
  - (c) the making of objections to a proposal;
  - (d) the persons who must be consulted, or whose advice must be sought, in relation to a proposal;
  - (e) the holding of an inquiry before determination of a proposal;
  - (f) the evidence to be taken into account in making a determination and the weight to be given to any evidence;
  - (g) the persons to be notified of any determination;
  - (h) the publication of a determination;
  - (i) the amendments to be made by a commons registration authority to a register of common land or town or village greens pursuant to a determination.
- (8) Regulations under this section may include provision for—
- (a) the appropriate national authority to appoint persons as eligible to discharge functions of a commons registration authority in relation to applications made to, or proposals made by, the commons registration authority; and
  - (b) the appointment of one or more of those persons to discharge functions of the commons registration authority in the case of any description of application or proposal.
- (9) Regulations under this section may provide for the [<sup>F7</sup>Church Commissioners]<sup>F7</sup>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.

#### Textual Amendments

- F5** S. 24(2)(d) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 17(a)**, 35(3)
- F6** S. 24(2A)(2B) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 17(b)**, 35(3)
- F7** Words in s. 24(9) substituted (E.) (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\)](#), **ss. 11**, 13(2); S.I. 2010/2, art. 3, Sch. 2

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*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Part 1. (See end of Document for details)*

#### **Commencement Information**

**I39** S. 24 wholly in force at 6.9.2007; s. 24 not in force at Royal Assent see s. 56(1); s. 24 in force for E. at 6.4.2007 by [S.I. 2007/456](#), [art. 3](#) (with modifications (temp.) in [art. 4\(2\)](#)); s. 24 in force for certain purposes for W. at 12.8.2007 and otherwise at 6.9.2007 (with modifications (temp.) in [art. 4\(2\)\(a\)](#)) by [S.I. 2007/2386](#), [arts. 2, 3](#)

## **25 Electronic registers**

- (1) Regulations may require or permit the whole or any part of a register kept under this Part to be kept in electronic form.
- (2) Regulations under subsection (1) may include provision as to—
  - (a) requirements to be complied with in relation to the recording of information in electronic form;
  - (b) the certification of information recorded in electronic form (including the status of print-outs of such information).
- (3) Regulations under subsection (1) may also include provision as to the process of converting a register, or part of a register, into electronic form.
- (4) The provision referred to in subsection (3) includes in particular provision—
  - (a) as to the publicity to be given to such a conversion;
  - (b) requiring a provisional electronic version to be made available for inspection and comment;
  - (c) as to the holding of an inquiry in relation to any question arising as a result of the conversion.

#### **Commencement Information**

**I40** S. 25 partly in force; s. 25 not in force at Royal Assent see s. 56(1); s. 25 in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386](#), [art. 2](#)

**Status:**

Point in time view as at 01/10/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Commons Act 2006, Part 1.