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STATUTORY INSTRUMENTS

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**2008 No. 1961**

**COMMONS, ENGLAND**

**The Commons Registration (England) Regulations 2008**

|                               |         |                         |
|-------------------------------|---------|-------------------------|
| <i>Made</i>                   | - - - - | <i>21st July 2008</i>   |
| <i>Laid before Parliament</i> |         | <i>24th July 2008</i>   |
| <i>Coming into force</i>      | - -     | <i>1st October 2008</i> |

The Secretary of State, being the appropriate national authority in relation to England, makes the following Regulations in exercise of the powers conferred by sections 3(5), 8(1), 11(5) and (6), 14, 17(3), 20, 21, 24(1) to (3) and (6) to (9) and 59(1) of, and paragraph 1 of Schedule 1, paragraphs 2 to 10 of Schedule 2, and paragraphs 2, 4, 5 and 8(2) of Schedule 3 to, the Commons Act 2006(1).

**PART 1**

**Preliminary**

**Title, commencement and application**

1. These Regulations—
  - (a) may be cited as the Commons Registration (England) Regulations 2008;
  - (b) come into force on 1st October 2008; and
  - (c) apply in relation to the registration areas in England, as at 1st October 2008, of the registration authorities specified in Schedule 1.

**Interpretation**

- 2.—(1) In these Regulations—
  - “the 1965 Act” means the Commons Registration Act 1965(2);
  - “the 2006 Act” means the Commons Act 2006;
  - “application”, except in regulation 49, means an application to a registration authority under Part 1 of the 2006 Act or these Regulations to amend its register of common land or its register of town or village greens;

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(1) 2006 c. 26: “appropriate national authority” and “regulations” are defined in section 61(1).  
(2) 1965 c. 64.

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“determining authority” has the meaning given in regulation 27;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(3);

“Form”, followed by a number, means the form so numbered in Schedule 2, or a form to substantially the same effect;

“inspector”, except in regulation 4, means a person appointed by the determining authority to conduct a public inquiry, hearing or site inspection in relation to an application or proposal;

“local authority” means—

- (a) a county council;
- (b) a district council;
- (c) a London borough council;
- (d) a National Park authority;
- (e) a parish council; or
- (f) the chairman of a parish meeting;

“Model Entry”, followed by a number, means the specimen entry so numbered which is provided as an example in Part 1 of Schedule 3;

“moorland” means any area of land shown coloured pink in the three volumes of maps, each entitled “Moorland Map of England 2007” and marked with the number of the volume, dated 7th October 2007, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL;

“the Planning Inspectorate” means the body of persons entrusted by the Secretary of State to carry out the functions of the Secretary of State in relation to appeals under Part 3 of the Town and Country Planning Act 1990(4);

“proposal”, except in regulation 46(1), means a proposal by a registration authority to amend a register on its own initiative, pursuant to—

- (a) section 19 of the 2006 Act;
- (b) Schedule 2 to the 2006 Act; or
- (c) paragraph 2 of Schedule 3 to the 2006 Act;

“referring authority” has the meaning given in regulation 27;

“registered land” means land registered as common land or as a town or village green;

“register map” means any map, other than a supplemental map, which, by virtue of any regulations made under either the 1965 Act or the 2006 Act, forms part of a register;

“registration area”, in relation to a registration authority, means—

- (a) all the land within the area of that authority, except for any land for which another authority acts as the registration authority pursuant to an agreement made under section 4(3) of the 2006 Act or section 2(2) of the 1965 Act; and
- (b) any other land for which that authority acts as the registration authority pursuant to such an agreement;

“registration authority” means a commons registration authority;

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(3) 2000 c. 7; the definition of “electronic communication” was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

(4) 1990 c. 8.

“relevant area”, in relation to an application or proposal, means the area of the land to which the application or proposal relates;

“relevant charge” and “relevant leaseholder” have the meanings given in section 15(10) of the 2006 Act;

“right of common in gross” means a right of common which is not registered as being attached to land;

“Standard Entry”, followed by a number, means the specimen entry so numbered in Part 2 of Schedule 3, or an entry to substantially the same effect;

“supplemental map” has the meaning given in regulation 13;

“transitional application period” has the meaning given in regulation 39(2).

(2) References to the land to which an application or proposal relates are to be interpreted, in relation to an application or proposal to register or amend the registration of a right of common, as meaning the land over which that right is or is to be exercisable.

### **Official stamp of registration authority**

3.—(1) Every registration authority must have an official stamp for the purposes of the 2006 Act, an impression of which bears the following information—

COMMONS ACT 2006

[Name of registration authority]

COMMONS REGISTRATION AUTHORITY

[Date].

3.—(2) A requirement for a registration authority to stamp any document is a requirement to cause an impression of the official stamp to be affixed to it, bearing the date mentioned in the requirement or (where no date is mentioned in the requirement) the date when the stamp is affixed.

### **Appointment of persons to discharge functions of a registration authority**

4. The Secretary of State may appoint—

(a) the Planning Inspectorate as eligible to carry out the administration of applications made to, or proposals made by, a registration authority, which are referred by the registration authority to the Planning Inspectorate in accordance with these Regulations; and

(b) any person who is employed or otherwise engaged as one of the inspectors of the Planning Inspectorate, or is employed on its staff, as eligible to—

(i) determine an application or proposal which a registration authority has referred to the Planning Inspectorate in accordance with these Regulations; and

(ii) carry out any steps necessary for or incidental to that purpose (for example, conducting a public inquiry, a hearing or a site visit).

## **PART 2**

### **The Registers**

#### **Form of the registers**

5.—(1) Every register of common land or of town or village greens is to consist of—

(a) a general part;

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- (b) a register map;
  - (c) as many register units as there are registrations of land in the register; and
  - (d) such supplemental maps as may be necessary.
- (2) The general part of each register is to be in Form 1, and must contain details of—
- (a) any agreement made under section 4(3) of the 2006 Act or section 2(2) of the 1965 Act to which the registration authority is a party;
  - (b) any other transfer, to or from the registration authority, of responsibility for maintaining any register or register unit; and
  - (c) any land in the area of the registration authority to which Part 1 of the 2006 Act does not apply, or is to be taken not to apply, by virtue of section 5 of that Act.
- (3) Model Entries 1 and 2 are provided for general guidance in complying with sub-paragraphs (a) and (b) respectively of paragraph (2).
- (4) Any register map prepared under these Regulations must be prepared in accordance with regulations [9](#) to [12](#).
- (5) Register units must be maintained in accordance with regulation [6](#).
- (6) Supplemental maps must be prepared in accordance with regulation [13](#).
- (7) Every register must be bound, but so that sheets can be added or removed without damage.

### Register units

- 6.—**(1) Subject to paragraph (2), each register unit is to consist of two sections, called the land section and the rights section.
- (2) In the case of a register unit which was prepared under regulations under the 1965 Act, the register unit is additionally to consist of a third section, called the ownership section.
- (3) The land section of each register unit must be in Form 2, and is to—
- (a) specify the land comprised in that registration, with a reference to the register map; and
  - (b) contain any notes entered pursuant to an application under regulation [47](#) (matters affecting the public) in relation to that land.
- (4) The rights section of each register unit must be in Form 3, and is to specify—
- (a) the rights of common registered as exercisable over the land comprised in the land section of the register unit, or any part of that land;
  - (b) the name and address of any person on whose application a right of common was registered, or the registration of a right of common was amended;
  - (c) the provision of any enactment under or pursuant to which the registration or amendment was made;
  - (d) in respect of a right of common which is attached to land, the land to which the rights are attached;
  - (e) in respect of a right of common in gross, the name and address of the owner of that right; and
  - (f) any declarations made pursuant to regulation [44](#) (declaration of entitlement to right of common).
- (5) A registration authority must allot a distinguishing number to each register unit, and must compile a separate series of register unit numbers for its register of common land and its register of town or village greens.
- (6) Each register unit number must bear a prefix as follows—

- (a) in the case of a register unit in the register of common land, the prefix ‘CL’; and
  - (b) in the case of a register unit in the register of town or village greens, the prefix ‘VG’.
- (7) The registration authority—
- (a) may, from time to time as necessary, add fresh register sheets to a register unit; and
  - (b) must mark every sheet forming part of a register unit with the number of that unit.

**Method of registration**

- 7.—(1) Every new entry made in a register relating to—
- (a) registered land,
  - (b) rights of common over such land, or
  - (c) the ownership of such land,

must be made in the appropriate section of the register unit relating to that land.

(2) A registration authority must, in making any registration (including an amendment to, or deletion of, a registration), follow as closely as possible the relevant model entry with such variations and adaptations as the circumstances may require.

(3) In paragraph (2) “relevant model entry” means, in relation to a registration made under or pursuant to the provision in the first column of the following table, the corresponding model entry specified in the second column of the table.

| <i>Provision under or pursuant to which registration is made</i> | <i>Relevant model entry</i>                                   |
|--|---|
| Section 6 of the 2006 Act  | Model Entry 3 or 18, as appropriate                           |
| Section 7 of the 2006 Act  | Model Entry 4 or 17, as appropriate                           |
| Section 8 of the 2006 Act  | Model Entry 5   |
| Section 10 of the 2006 Act                                       | Model Entry 6   |
| Section 11 of the 2006 Act                                       | Model Entry 7   |
| Section 12 of the 2006 Act                                       | Model Entry 8   |
| Section 13 of the 2006 Act                                       | Model Entry 9   |
| Section 14 of the 2006 Act                                       | Model Entry 3, 4, 9, 13, 15, 16, 17, 18 or 20, as appropriate |
| Section 15 of the 2006 Act                                       | Model Entry 18  |
| Section 17 of the 2006 Act                                       | Model Entry 3, 4, 13, 15, 16, 17, 18 or 20, as appropriate    |
| Paragraph 1 or 3 of Schedule 1 to the 2006 Act                   | Model Entry 14  |
| Paragraphs 2 to 4 of Schedule 2 to the 2006 Act                  | Model Entry 17 or 18, as appropriate                          |
| Paragraph 5 of Schedule 2 to the 2006 Act                        | Model Entry 19  |
| Paragraphs 6 to 9 of Schedule 2 to the 2006 Act                  | Model Entry 15 or 16, as appropriate                          |

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| <i>Provision under or pursuant to which registration is made</i> | <i>Relevant model entry</i>   |
|--|---|
| Paragraph 2 or 4 of Schedule 3 to the 2006 Act                   | Model Entry 3, 4, 5, 8, 9, 13, 14, 15, 16, 17, 18 or 20, as appropriate |
| Regulation 44  | Model Entry 10, 11 or 12, as appropriate                                |
| Regulation 47  | Model Entry 21 or 22, as appropriate                                    |
| Regulation 48(2)   | Model Entry 23  |
| Regulation 48(3)   | Model Entry 24  |

(4) The registration authority may register new land as common land or as a town or village green—

- (a) by amending an existing register unit to include the new land; or
- (b) by inserting a new register unit.

(5) Where—

- (a) land is to be registered pursuant to—
  - (i) an order under section 17 of the 2006 Act, or
  - (ii) a determination under Part 3 of these Regulations, and
- (b) the order or determination relates to two or more parcels of land,

the registration authority may, if it thinks fit, prepare two or more register units, each comprising one or more parcels of land.

(6) In paragraph (5), “parcel of land” means an area of land required to be registered, along with other land, pursuant to an order or determination, and having no common boundary with any of that other land.

### **Replacement of register sheets**

8.—(1) Where—

- (a) in accordance with these Regulations, an amendment is to be made to an entry in the register (other than to any map), and that entry is recorded on a register sheet which does not comply with the requirements of these Regulations; or
- (b) at the discretion of the registration authority, a register sheet is to be replaced,

the registration authority must ensure that all the entries recorded on that sheet are transferred to the appropriate replacement sheet prescribed in these Regulations, with the exception of any entry or information which has been cancelled or deleted.

(2) The registration authority must stamp any replacement register sheet, with the stamp bearing the date of its creation.

(3) The replacement register sheet then forms part of the register and the original register sheet must be marked in accordance with Standard Entry 2 but does not cease to be part of the register.

### **Register maps**

9.—(1) Subject to paragraph (4), every registration authority must, for each of its registers, keep up to date a register map showing all the land registered in that register, in accordance with this regulation.

- (2) Every register map is to be based on the Ordnance Map.

(3) A register map may consist of one or more sheets, and further sheets may be added from time to time as necessary.

(4) Where any sheet of a register map was compiled before 1st July 1968, the registration authority—

- (a) may retain that sheet as, or as part of, the register map in its existing form until the first occasion on which that sheet is required to be amended; and
- (b) must, on or before that occasion, prepare a fresh edition of that sheet which complies with this regulation.

(5) Where a register map consists of more than one sheet—

- (a) each sheet must bear a distinguishing number; and
- (b) the sheets must be bound together, but so that sheets can be added or removed without damage.

(6) On every register map consisting of one sheet, and on every sheet of a register map consisting of more than one sheet—

- (a) there must be included an entry in accordance with Standard Entry 1; and
- (b) that entry must be stamped by, and signed on behalf of, the registration authority.

(7) Where the registration authority considers it expedient to show any details on a larger scale than the scale of its register map, it may insert an inset map for that purpose.

(8) Any new sheet which is added to a register map, or any fresh edition of a register map or sheet of a register map—

- (a) where the land to be described consists wholly of moorland, must be on a scale of not less than 1:10,560 (six inches to one mile); and
- (b) in all other cases, must be on a scale of not less than 1:2,500.

(9) If an existing register map is to be amended (other than by adding a new sheet), the amendment must be shown, if necessary by means of an inset map—

- (a) if the land to which the amendment relates consists wholly of moorland, on a scale of not less than 1:10,560 (six inches to one mile); and
- (b) in all other cases, on a scale of not less than 1:2,500.

### Contents of register maps

10.—(1) The following requirements apply when marking a register map—

- (a) black is not to be used;
- (b) every colour used must be a transparent colour;
- (c) every line, letter or other symbol used must be drawn or written as finely as possible; and
- (d) any coloured verge to be placed inside a boundary is to be placed with its outer edge touching the boundary.

(2) Every register map must show the matters specified in the first column of the following table, in the manner specified in the second column.

| <i>Item</i> | <i>Matter to be shown on register map</i>   | <i>Manner in which to be shown</i>   |
|-------------|---|--|
| 1.          | Any land in the registration area—<br>(a) to which, by virtue of section 5 of the 2006 Act, the provisions of Part 1 of that Act do not apply or are to be taken not to apply; or | By a yellow verge inside the boundary, the word EXEMPTED and, where necessary, a red interrupted line on the boundary. |

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| <i>Item</i> | <i>Matter to be shown on register map</i>   | <i>Manner in which to be shown</i>   |
|-------------|---|--|
|             | (b) to which, by virtue of an order made pursuant to section 11 of the 1965 Act, the provisions of sections 1 to 10 of that Act did not apply, and which has not subsequently become registered.  |  |
| 2.          | The land comprised in each register unit.   | By a green verge inside the boundary, the appropriate register unit number and, where necessary, a red interrupted line on the boundary. |
| 3.          | Land which has been removed from the register.  | By violet hatching, with or without violet lettering, the hatching being delimited where necessary by a violet outline.                  |
| 4.          | The limits of any land over which a registered right of common is exercisable, or to which a registration of ownership applies, so far as those limits do not coincide with the boundaries of the land comprised in a register unit, and cannot conveniently be described by reference to any feature appearing on the map. | By red continuous lines and red lettering, or by red lettering alone.  |
| 5.          | Any boundaries of the registration area falling within the map.   | By blue interrupted lines.   |
| 6.          | Other matters mentioned in the general part of the register or in any registration (but not details of land to which rights of common are attached), which it is necessary or convenient to show on the map.  | By such other colours and symbols as (subject to regulation 10(1)) the registration authority thinks fit.                                |

(3) There must be kept annexed to every register map a table headed “Key to Colouring and Symbols” containing a description or representation of every colour or symbol used in the register map (except for any which are not of general application) with a statement of the meaning of each such colour or symbol.

### **Register map overlays**

**11.—(1)** This regulation applies where it appears to a registration authority that it would be impracticable or confusing to include on one surface all the details required to be shown on a register map or any sheet of a register map.

(2) The authority may prepare one or more transparent overlays for the map or sheet, and may show on such an overlay, instead of on the map or sheet itself, the details, or some of the details, required to be shown by virtue of items 3, 4 and 6 of the table in regulation 10(2).

(3) Every such overlay must be fastened to the original register map or sheet so that the details on the overlay coincide with those on the original, but so that it may be lifted away to enable either the original alone, or the original and any other overlay fastened to the original, to be inspected.

(4) Every overlay prepared under this regulation forms part of the register map.



### **Fresh editions of register maps**

**12.**—(1) A registration authority may prepare a fresh edition of a register map or of any sheet of a register map, showing only details of subsisting entries in the register.

(2) A fresh edition of a sheet forming part of a register map must bear the same number as the sheet it is to replace.

(3) A map or sheet which is replaced by a fresh edition must be marked on its face in accordance with Standard Entry 2, but remains part of the register.

### **Supplemental maps**

**13.**—(1) Where—

- (a) a right of common attached to any land is to be registered, or
- (b) any amendment is to be made to an entry relating to such a right, and that entry does not already contain a map describing the land to which that right is attached,

the registration authority must, subject to paragraph (7), describe that land in the register by means of a map, to be called a supplemental map.

(2) The registration authority must either—

- (a) adopt as the supplemental map any map contained in or accompanying the application for registration, or amendment of a registration, which shows the land to which the right of common is attached or any part of that land; or
- (b) itself prepare a map showing the land to which the right of common is attached.

(3) The scale of a supplemental map must be not less than 1:10,560 (six inches to one mile).

(4) A supplemental map prepared by a registration authority may identify the land to which the right of common is attached in such manner as the registration authority thinks fit, and the means of identification used must be referred to in column 5 of the entry in the rights section of the register unit to which it relates, in accordance with Standard Entry 3.

(5) The registration authority must—

- (a) stamp the supplemental map, with the stamp bearing the date on which the right of common is registered or the registration is amended, and
- (b) indorse it in accordance with Standard Entry 4,

and the supplemental map then forms part of the register.

(6) The registration authority must keep all the supplemental maps—

- (a) for each register, in register unit order; and
- (b) for each register unit, in entry number order.

(7) When registering, or amending the registration of, a right of common which is attached to land that comprises a dwelling, the registration authority may describe that land either—

- (a) by entering a description of the dwelling, including the Ordnance Survey grid reference of its location, in column 5 of the rights section of the register; or
- (b) by means of a supplemental map.

### **Continuing validity of existing register entries**

**14.** Any entry made in a register before 1st October 2008 continues to have effect on and after 1st October 2008, whether or not it complies with the requirements of these Regulations, if it was made in accordance with—

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- (a) the 1965 Act, or regulations under that Act<sup>(5)</sup>;
- (b) the Common Land (Rectification of Registers) Act 1989<sup>(6)</sup>;
- (c) the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007<sup>(7)</sup>; or
- (d) the Commons (Deregistration and Exchange Orders) (Interim Arrangements) (England) Regulations 2007<sup>(8)</sup>.

## PART 3

### Applications and proposals to amend the registers

#### Scope of this Part

**15.**—(1) Subject to paragraphs (2) and (3), this Part applies in relation to any application or proposal.

(2) Only the following provisions of this Part apply in relation to an application under regulation 44 (declaration of entitlement to right of common)—

- (a) regulation 16<sup>(1)</sup>; and
- (b) regulation 17.

(3) This Part does not apply in relation to an application under regulation 47 (matters affecting the public).

#### Making an application

**16.**—(1) An application must—

- (a) be made in writing on a form provided by the registration authority to which the application is to be made; and
- (b) be signed by, or by a representative of, every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or an unincorporated association.

(2) Schedule 4 contains provisions which apply in relation to specific types of applications as to—

- (a) the circumstances in which an application is permitted or required to be made;
- (b) who may make the application; and
- (c) the matters which must be included in or which, subject to paragraph (3), must accompany the application.

(3) An applicant is not required to include with an application a copy of any document specified in Schedule 4 if—

- (a) the registration authority issued the document, or was a party to the document; or
- (b) the document has been deposited with the registration authority in accordance with any enactment.

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<sup>(5)</sup> Section 19 of the 1965 Act (regulations) was extended by the Common Land (Rectification of Registers) Act 1989 (c. 18).

<sup>(6)</sup> 1989 c. 18.

<sup>(7)</sup> S.I. 2007/457.

<sup>(8)</sup> S.I. 2007/2585.

## Application fees

17.—(1) An application must be accompanied by the appropriate fee (if any) specified for an application of that type in or under Schedule 5.

(2) A registration authority is not required to take any steps to deal with an application until the applicant has paid the fee so specified.

## Making a proposal

18.—(1) Before taking any other steps under this Part in relation to a proposal, a registration authority must prepare a statement in writing describing the proposal and explaining the justification for it.

(2) A registration authority may not proceed with a proposal under Schedule 2 to the 2006 Act unless it has complied with paragraph (1), and with paragraphs (2) to (5) of regulation 23, on or before 31st December 2020.

(3) A registration authority may not proceed with a proposal for the purposes of paragraph 2 of Schedule 3 to the 2006 Act unless it has complied with paragraph (1), and with paragraphs (2) to (5) of regulation 23, on or before 30th September 2009.

## Land descriptions

19.—(1) This regulation applies in relation to any requirement to describe land for the purposes of an application or proposal, except where another provision of these Regulations specifies the manner in which land is to be described in a particular case.

(2) The land must be described, except where paragraph (3) applies, by an Ordnance Map accompanying the application or proposal and referred to in it.

(3) Where the land is registered land, and the application relates to the whole of the land in a register unit, the land must be described by a reference to the number of that register unit.

(4) Where part of the land is registered land, that part of the land must be described by a reference to the number of any register unit which includes that part.

(5) Any Ordnance Map accompanying an application or proposal must show the land to be described by means of distinctive colouring within an accurately identified boundary and must be—

- (a) on a scale of not less than 1:10,560 (six inches to one mile), where the land to be described—
  - (i) consists wholly or predominantly of moorland;
  - (ii) is a neighbourhood or locality, which is being described for the purposes of an application under section 15 of the 2006 Act; or
  - (iii) is the land to which a right of common is attached; and
- (b) on a scale of not less than 1:2,500 in all other cases.

## Management of application

20.—(1) As soon as practicable after receiving an application and (if any) the specified fee, the registration authority must send an acknowledgement of receipt to the applicant, which must include—

- (a) the reference number allocated to the application; and
- (b) a postal address and an e-mail address to which written communications to the registration authority may be sent.

(2) The registration authority may, either when it acknowledges receipt of the application or at any time subsequently, direct the applicant—

- (a) to provide any further information or documents necessary to enable the application to be determined;
- (b) (otherwise than in the case of an application referred to in regulation 21(2)) to publish a notice of the application in such one or more newspapers circulating in the relevant area as the registration authority may direct, and as appears to it sufficient to secure adequate publicity;
- (c) to post a notice of the application at any place or places specified in the direction, whether on the land to which the application relates or elsewhere; or
- (d) to serve a notice of the application on persons specified in the direction, in addition to the requirements in regulation 22.

(3) The registration authority may specify a time for complying with any directions given under this regulation.

(4) The applicant must give notice to the registration authority when any directions given under this regulation have been complied with, and—

- (a) if the applicant was given a direction under paragraph (2)(b), that notice must be accompanied by a copy of the relevant page of each newspaper in which the notice of application was published;
- (b) if the applicant was given a direction under paragraph (2)(c), that notice must include details of where and when the notice of the application was posted; and
- (c) if the applicant was given a direction under paragraph (2)(d), that notice must include details of the date on which, and the means by which, each notice of the application was served.

(5) If the applicant fails to comply with regulation 22, or with any directions given under this regulation, the registration authority may—

- (a) treat the application as abandoned;
- (b) give directions to the applicant to remedy the non-compliance (and, if appropriate, extend the deadline for persons to make representations); or
- (c) waive the non-compliance, if satisfied in all the circumstances that no-one is likely to be prejudiced by it and it would be unreasonable to require compliance.

### **Registration authority's duty to publicise application**

**21.—**(1) As soon as reasonably practicable after receiving an application complying with regulations 16 and 17, the registration authority must—

- (a) publish a notice of the application on its website; and
- (b) serve a notice of the application by e-mail on anyone who has previously asked to be informed of all applications and proposals, and who has given the authority an e-mail address for that purpose.

(2) In addition, the requirements in paragraph (3) apply in relation to—

- (a) an application under section 15 of the 2006 Act;
- (b) an application under section 19 of the 2006 Act, for the removal of registered land from, or for the addition of land to, a register; or
- (c) an application under Schedule 2 to the 2006 Act.

(3) As soon as reasonably practicable after receiving an application referred to in paragraph (2), the registration authority must—

- (a) publish a notice of the application in such one or more newspapers circulating in the relevant area as appears to the authority to be sufficient to secure adequate publicity; and
- (b) serve a notice of the application on every other local authority for that area.

### **Applicant's duty to publicise application**

**22.**—(1) As soon as reasonably practicable after receiving an acknowledgment of an application pursuant to regulation 20(1), the applicant must—

- (a) subject to paragraphs (2) and (3), serve a notice of the application on each of the persons specified in Schedule 6 in relation to an application of that kind; and
- (b) give notice to the registration authority of having complied with sub-paragraph (a).

(2) The registration authority may, in relation to any application, direct that paragraph 1(c) of Schedule 6 is not to apply, if it considers that the persons registered as owners of rights of common in gross are so numerous that it would not be reasonably practicable for the applicant to serve notice of the application on all of them.

(3) A requirement pursuant to paragraph 2 of Schedule 6 to serve a notice on an owner of land does not apply if that person cannot reasonably be identified.

(4) A notice given to the registration authority under paragraph (1)(b) must specify the persons on whom the notice of the application was served, and in relation to each such person state—

- (a) the date on which, and the means by which, the notice of the application was served on that person; and
- (b) the nature of that person's interest (if any) in the land to which the application relates.

### **Registration authority's duty to publicise proposal**

**23.**—(1) A registration authority which has prepared a statement of a proposal to amend a register on its own initiative must, before taking any further steps in relation to the proposal, comply with paragraphs (2) to (5).

(2) The registration authority must publish a notice of the proposal on its website.

(3) If the proposal is to register or deregister any land as common land or as a town or village green, the registration authority must publish a notice of the proposal in such one or more newspapers circulating in the relevant area as appears to it to be sufficient to secure adequate publicity.

(4) The registration authority must serve a notice of the proposal on the following persons—

- (a) any person who has made a declaration, duly recorded in the register, of entitlement to a right of common over any land comprising the whole or any part of the register unit to which the proposal relates;
- (b) any commons council established for, or other body representing the interests of persons with rights of common over, land which includes the land to which the proposal relates; and
- (c) any owner of a right of common in gross which is exercisable over any land comprising the whole or any part of the register unit to which the proposal relates.

(5) The registration authority must also serve a notice of the proposal by e-mail on any other person who has previously asked to be informed of all applications and proposals, and who has given the authority an e-mail address for that purpose.

### Contents of notice of application or proposal

**24.**—(1) A notice of an application or proposal which is required to be published, posted or served under regulation 21, 22 or 23, or by a direction of a registration authority under regulation 20, must contain the following details—

- (a) a reference to “the Commons Act 2006”, and the provision of that Act under (or pursuant to which) the application or proposal is made;
- (b) the name of the applicant (in the case of an application);
- (c) the name of the registration authority;
- (d) the name and location of the land to which the application or proposal relates;
- (e) a summary of the effect of the application or proposal;
- (f) both a postal address and an e-mail address for the registration authority to which any representations concerning the application or proposal may be sent;
- (g) a statement that any representations will not be treated as confidential, but will be dealt with in accordance with regulation 26, and that where the application or proposal is referred to the Planning Inspectorate for determination in accordance with regulation 27, any representations will be sent to the Planning Inspectorate;
- (h) the date on which the period for making representations expires, which must not be less than 42 days after the date of the publishing, posting or service of the notice; and
- (i) the address of the registration authority at which documents relating to the application or proposal are available for inspection.

### Inspection of copies of documents

**25.**—(1) The registration authority must ensure that copies of the following documents are available for inspection at the address specified for that purpose in any notice of the application or proposal—

- (a) in the case of an application, copies of the application and any accompanying documents; or
- (b) in the case of a proposal, copies of—
  - (i) the statement prepared in accordance with regulation 18(1); and
  - (ii) any documents in the possession of the registration authority which are relevant to the proposal.

(2) The times and dates at which the documents referred to in paragraph (1) are available for inspection must include all normal office hours during a period of not less than 42 days ending with the expiry of the period for making representations.

### Representations

**26.**—(1) Any person may, by the date specified in a notice of an application or proposal, make representations in writing to the registration authority about the application or proposal.

(2) Representations under paragraph (1)—

- (a) must state the name and postal address of the person making them, and the nature of that person’s interest (if any) in any land affected by the application or proposal;
- (b) may include an e-mail address of the person making them;
- (c) must be signed by the person making them; and
- (d) must state the grounds on which they are made.

(3) As soon as reasonably practicable after the expiry of the period allowed for making representations in respect of an application, the registration authority must—

- (a) notify the applicant that no representations have been made; or
- (b) serve on the applicant a copy of all the representations it has received.

(4) The applicant may reply in writing to the registration authority within 21 days of being served with a copy of representations, setting out the applicant's response to the representations.

(5) A reply under paragraph (4) must be signed by the person making it.

### **Responsibility for determining applications and proposals**

27.—(1) Subject to paragraph (2)—

- (a) an application made in accordance with these Regulations must be determined by the registration authority to which it was made; and
- (b) a registration authority which has made a proposal in accordance with these Regulations must determine whether or not to amend its registers in accordance with the proposal.

(2) In the cases specified in paragraph (3), a registration authority must refer to the Planning Inspectorate for determination by it—

- (a) any application made to the registration authority in accordance with these Regulations, and
- (b) any proposal made by the registration authority in accordance with these Regulations.

(3) Those cases are where—

- (a) the registration authority has an interest in the outcome of the application or proposal such that there is unlikely to be confidence in the authority's ability impartially to determine it;
- (b) the application or proposal is made under section 19(4) of the 2006 Act, and seeks—
  - (i) to add land to, or to remove land from, a register; or
  - (ii) to correct an error as to the quantification of rights of common in a register; or
- (c) the application or proposal is made under any of paragraphs 4 to 9 of Schedule 2 to the 2006 Act, and seeks to add land to, or to remove land from, a register.

(4) When the registration authority refers an application or proposal to the Planning Inspectorate for determination—

- (a) the registration authority must send to the Planning Inspectorate all material in its possession which is relevant to the determination of the application or proposal; and
- (b) in the case of an application, the Planning Inspectorate may direct the applicant to provide any further information or documents necessary to enable the application to be determined.

(5) In these Regulations—

- (a) the “determining authority” means—
  - (i) the Planning Inspectorate, in relation to an application or proposal which has been referred to it pursuant to paragraph (2);
  - (ii) in relation to any other application or proposal, the registration authority which is required to determine it in accordance with paragraph (1); and
- (b) the “referring authority” means, in relation to an application or proposal which has been referred to the Planning Inspectorate pursuant to paragraph (2), the registration authority which referred it.

## Method of determining applications and proposals

**28.**—(1) The determining authority must, in determining any application or proposal, take into account—

- (a) the contents of the application or proposal, and any material accompanying it;
- (b) in the case of an application, any further information or evidence provided by the applicant in accordance with a direction under regulation 20(2) or 27(4);
- (c) any written representations made by any person in accordance with regulation 26, or in accordance with an invitation under paragraph (4);
- (d) any oral representations made by any person in accordance with paragraph (6);
- (e) the findings made at a site inspection, if any; and
- (f) where a public inquiry or a hearing has been held by an inspector—
  - (i) the evidence presented at the inquiry or hearing (if the determination is being made by the inspector who heard the evidence); or
  - (ii) the report and recommendation of the inspector (if the determination is not being made by the inspector).

(2) The determining authority may decide that a public inquiry is to be held in relation to any application or proposal.

(3) Where the Planning Inspectorate is the determining authority, it may decide that a hearing in accordance with regulation 33 is to be held in relation to any application or proposal.

(4) The determining authority may, if it thinks it necessary to enable an application or proposal to be determined, invite further written representations about any specified matter from—

- (a) the applicant, in the case of an application;
- (b) the registration authority, in the case of a proposal;
- (c) a person who has made representations in accordance with regulation 26; or
- (d) any other person;

and may specify the time within which any such further representations must be made.

(5) Representations made pursuant to an invitation under paragraph (4) must be signed by the person making them.

(6) Paragraph (7) applies in relation to any application or proposal which the determining authority decides to determine without holding a public inquiry or (where the Planning Inspectorate is the determining authority) a hearing in accordance with regulation 33.

(7) The determining authority—

- (a) may not refuse an application without first offering the applicant an opportunity to make oral representations; and
- (b) may not grant or refuse an application or proposal without first offering any person (other than the applicant) for whom the grant or refusal (as the case may be) would represent a determination of that person's civil rights an opportunity to make oral representations.

## Notice of public inquiry or hearing

**29.** If a public inquiry or a hearing is to be held in relation to an application or proposal, the determining authority must ensure that a notice of the inquiry or hearing is—

- (a) published on an appropriate website;
- (b) served on—



- (i) the referring authority, if the Planning Inspectorate is the determining authority;
  - (ii) in the case of an application, the applicant;
  - (iii) any person who has made representations in accordance with regulation 26; and
  - (iv) any other person whom the determining authority invited under regulation 28(4)(d) to make written representations; and
- (c) as the determining authority considers necessary—
- (i) published in such one or more newspapers circulating in the relevant area as appears to the determining authority to be sufficient to secure adequate publicity; and
  - (ii) publicised by such other means or served on such other persons as may be appropriate to bring the inquiry to the attention of persons likely to be affected by the application or proposal.

### **Public inquiries: general provisions**

**30.**—(1) Where it has been decided that a public inquiry is to be held in relation to an application or proposal, the determining authority must appoint an inspector—

- (a) to hold the inquiry; and
- (b) if the inspector is not also to determine the application, to provide a report and recommendation to the determining authority.

(2) Subject to the following provisions of this regulation, and to regulation 32, the procedure at the inquiry is to be determined by the inspector.

(3) Any person interested in the subject-matter of an inquiry may appear at the inquiry in person or by a representative.

- (4) The inspector may, at any stage of an inquiry, prevent any person from—
- (a) giving evidence,
  - (b) cross-examining a person giving evidence, or
  - (c) presenting any matter,

if the inspector considers it to be irrelevant or repetitious.

- (5) The inspector may—
- (a) require a person to leave an inquiry;
  - (b) prevent a person from participating in the inquiry by giving evidence, cross-examining a person giving evidence, or presenting any matter; or
  - (c) permit a person to remain at, or participate in, the inquiry only on specified conditions.

(6) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(7) The inspector may take into account any written representations or evidence or any other document received by the inspector from any person before or during an inquiry, provided that the inspector discloses it at the inquiry.

- (8) The inspector may—
- (a) adjourn an inquiry to another date;
  - (b) adjourn an inquiry to the site of any land affected by the application or proposal, and conduct part of the inquiry at that site in conjunction with a site inspection.

### Pre-inquiry meeting

**31.**—(1) Where it has been decided to hold a public inquiry, the inspector may, if the inspector considers it desirable, hold a pre-inquiry meeting to determine the matters to be addressed and the procedure to be followed at the inquiry.

(2) If the inspector decides to hold a pre-inquiry meeting, not less than 14 days' notice in writing must be given to—

- (a) the applicant, in the case of an application;
- (b) the registration authority;
- (c) any person who has made written representations about the application or proposal; and
- (d) any other person whose presence at the pre-inquiry meeting the inspector considers desirable.

(3) Paragraphs (2) to (6) of regulation 30 (so far as relevant) apply to pre-inquiry meetings as they apply to inquiries.

(4) The inspector may, at a pre-inquiry meeting—

- (a) give directions about things to be done in preparation for the inquiry to—
  - (i) the applicant, in the case of an application;
  - (ii) the registration authority; and
  - (iii) any other person wishing to appear at the inquiry; and
- (b) specify a date or dates by which any such directions must be complied with.

(5) In particular, the inspector may direct any person wishing to give evidence to serve a written statement of that evidence on—

- (a) the inspector; and
- (b) such other persons as the inspector may specify.

### Procedure at inquiries

**32.**—(1) At the start of an inquiry, the inspector must—

- (a) identify the main issues to be considered at the inquiry;
- (b) identify any matters on which further explanation from any person appearing at the inquiry is required; and
- (c) explain the procedure to be followed at the inquiry.

(2) Paragraph (1)(a) does not preclude other issues from being considered at the inquiry, or (subject to the inspector's powers under regulation 30(4)) raised by persons appearing at the inquiry.

(3) If a person giving evidence at the inquiry has provided a written statement of evidence in accordance with a direction under regulation 31(5), the inspector may direct that—

- (a) the written statement is to be treated as the person's evidence, or as part of the person's evidence; and
- (b) other parties at the inquiry may cross-examine the person on the written statement.

### Hearings

**33.**—(1) Where the Planning Inspectorate decides that a hearing is to be held in relation to an application or proposal for which it is the determining authority, it must appoint an inspector to hold the hearing.

(2) A hearing is to take the form of a discussion led by the inspector.

(3) Paragraphs (2) to (8) of regulation 30 apply to a hearing as they apply to a public inquiry.

(4) Subject to regulation 30(4) to (6)—

(a) in the case of an application, the applicant is entitled to give, or to call another person to give, oral evidence; and

(b) any other person may give oral evidence with the permission of the inspector.

(5) Cross-examination is not permitted unless the inspector decides that it is necessary to ensure a sufficient examination of the issues.

### Site inspections

**34.**—(1) Where an inspector is appointed to hold a public inquiry, the inspector must (unless any permission necessary to do so is refused) inspect the land affected by the application or proposal before determining the application or proposal or producing a report to the determining authority.

(2) In any other case, before an application or proposal is determined, the determining authority may conduct an inspection of the land affected by the application or proposal.

(3) Before a site inspection is made under paragraph (1) or (2) in relation to an application, the inspector or determining authority must ask the applicant whether the applicant wishes to be present or represented.

(4) If the applicant expresses a wish to be present or be represented, the inspector or determining authority must give the applicant reasonable notice of the date and time of the inspection, and give the applicant or their representative the opportunity to be present.

(5) The inspection does not need to be postponed if the applicant or their representative is not present at the appointed time.

### Changes of procedure

**35.**—(1) This regulation applies where notice has been given under regulation 29 that a public inquiry or (where the Planning Inspectorate is the determining authority) a hearing is to be held in relation to the application or proposal.

(2) Where a registration authority is the determining authority it may, subject to paragraph (3), decide at any time before the start of a public inquiry to cancel the inquiry and determine the application without holding an inquiry.

(3) The registration authority must consult the applicant before deciding to cancel a public inquiry in relation to an application.

(4) Where the Planning Inspectorate is the determining authority it may, subject to paragraph (5), decide at any time before the start of a public inquiry or hearing—

(a) to cancel the inquiry or hearing and determine the application without holding an inquiry or hearing; or

(b) to hold a hearing instead of an inquiry, or vice versa.

(5) The Planning Inspectorate must consult—

(a) the applicant, before deciding to change the procedure for determining an application; or

(b) the referring authority, before deciding to change the procedure for determining a proposal.

### Consultation requirement

**36.** The determining authority must consult Natural England before determining an application to register—

(a) the creation, under section 6 of the 2006 Act, or

(b) the variation, under section 7 of that Act,  
of a right of common consisting of a right to graze any animal.

#### **Action to be taken following determination of application or proposal**

**37.**—(1) Where an application is granted or a decision is made to give effect to a proposal, in whole or in part, the registration authority must give effect to the determination in the appropriate register by addition, deletion, correction, or otherwise as may be appropriate.

- (2) The registration authority must give written notice of the determination to—
- (a) the applicant, if the determination was made upon an application; and
  - (b) every person who made representations concerning the application or proposal.
- (3) Such notice must include—
- (a) reasons for the decision; and
  - (b) details of any changes made to the register to give effect to the decision.

(4) The registration authority must publish the decision in relation to any application or proposal, and the reasons for it, on its website.

#### **Award of costs in relation to certain applications**

**38.**—(1) This regulation applies in relation to an application under Schedule 2 to the 2006 Act where—

- (a) the application is referred to the Planning Inspectorate; and
- (b) a public inquiry is held in relation to the application.

(2) The inspector conducting the public inquiry may make an order for costs against any of the persons specified in paragraph (3), requiring the payment to such person mentioned in paragraph (4) as may be specified in the order of such amount as the inspector may determine in respect of costs reasonably incurred by that person pursuant to the application.

- (3) The persons who may be ordered to pay costs are—
- (a) the applicant;
  - (b) any objector taking part in the public inquiry; or
  - (c) any registration authority taking part in the public inquiry.
- (4) The persons in whose favour an order for costs may be made are—
- (a) the applicant; or
  - (b) any objector taking part in the public inquiry.

## **PART 4**

### **Transitional Period**

#### **The transitional period and transitional application period**

**39.**—(1) The transitional period for the purposes of paragraphs 2 to 5 of Schedule 3 to the 2006 Act is the period from 1st October 2008 to 30th September 2010.

(2) The “transitional application period” means the period in which applications may be made to a registration authority for the purposes of paragraph 2 of Schedule 3 to the 2006 Act, without payment of a fee, for its registers to be amended during the transitional period.

(3) The transitional application period is the period from 1st October 2008 to 30th September 2009.

### Notice of the transitional period

**40.**—(1) Every registration authority must, as soon as reasonably practicable after 1st October 2008, publicise the transitional period in its area by—

- (a) placing a notice of the transitional period on its website;
- (b) publishing a notice of the transitional period in such one or more newspapers as appears to the registration authority to be sufficient to secure adequate publicity; and
- (c) serving notice of the transitional period on—
  - (i) every other local authority in its area;
  - (ii) any body appearing to it to be representative of persons entitled to exercise rights of common on any registered land in its area; and
  - (iii) such other persons as the registration authority thinks fit.

(2) A notice pursuant to paragraph (1) must contain the following details—

- (a) a reference to Schedule 3 to the Commons Act 2006;
- (b) the name of the registration authority, and a description of its registration area;
- (c) a summary of the purpose and effect of the transitional period;
- (d) an explanation of what qualifying events may be registered;
- (e) the dates on which the transitional period and the transitional application period begin and end;
- (f) an explanation of how to make an application during the transitional application period;
- (g) the name and address of a person from whom further information may be obtained;
- (h) an address at which the registers may be inspected;
- (i) an explanation of the possible effects of failing to apply during the transitional application period to register a qualifying event which was not registered under the 1965 Act, including—
  - (i) that a fee will be payable for any application made after the end of that period;
  - (ii) that a qualifying event may not be registered pursuant to an application made after the end of that period, if it would be unfair to do so by reason of any reliance placed on the registers since the end of that period; and
  - (iii) that if a qualifying event has not been registered by the end of the transitional period, rights of common may be extinguished, or rights previously surrendered or extinguished may be revived.

### Review of the registers

**41.** Every registration authority must, during the period 1st October 2008 to 30th September 2009—

- (a) carry out a review of the information contained in its register of common land and its register of town or village greens;
- (b) consider whether to make any proposals to amend its registers on its own initiative in consequence of qualifying events; and
- (c) in relation to any proposal which it decides to make—

- (i) prepare a statement of the proposal in accordance with regulation 18(1); and
- (ii) publicise the proposal in accordance with regulation 23.

### **Determination of applications and proposals to amend the registers**

**42.**—(1) By the end of the transitional period—

- (a) the determining authority must determine—
  - (i) any application for the purposes of paragraph 2 of Schedule 3 to the 2006 Act which was made to the registration authority during the transitional application period; and
  - (ii) any proposal by the registration authority to amend its registers on its own initiative;and
- (b) the registration authority must make any amendment to its registers which is required in consequence of a determination pursuant to sub-paragraph (a).

(2) Paragraph (3) applies for the purposes of determining an application or proposal made for the purposes of Schedule 3 to the 2006 Act to amend a register to record the severance of a right of common from land to which it was attached.

(3) A right of common attached to land is not to be treated as having been severed from that land in consequence of a qualifying event, unless the determining authority is satisfied that the severance was lawful and—

- (a) there is documentary evidence showing that the parties to the transaction or disposition which is a qualifying event intended the transaction or disposition to have the effect of severing the right of common; or
- (b) there is evidence that the right of common has been treated since the qualifying event as having been severed.

(4) Paragraph (5) applies where a determining authority is determining an application made for the purposes of paragraph 2 or 4 of Schedule 3 to the 2006 Act, which was made after the end of the transitional application period.

(5) Where this paragraph applies, the determining authority may not determine that a register entry should be amended if it considers that, by reason of reliance reasonably placed on the register by a person since the end of the transitional application period, it would be unfair to do so.

### **Amendment of registers after end of transitional period**

**43.**—(1) A registration authority may, subject to regulation 42(5), amend its registers after the end of the transitional period in consequence of a qualifying event, pursuant to an application made before or after the end of that period.

(2) Where, after the end of the transitional period, a right of common is registered in consequence of a qualifying event, paragraph 3 of Schedule 3 to the 2006 Act is to be treated as not having applied to that right of common.

## **PART 5**

### **Miscellaneous**

#### **Declaration of entitlement to right of common**

**44.**—(1) The owner of—

- (a) a freehold estate in land to which a right of common is attached, or
- (b) a leasehold estate in any such land (excluding one that is granted for a term of three years or less from the date of grant),

may apply to amend the relevant entry in the rights section of the register unit relating to all or part of the land over which the right is exercisable, to record a declaration of the applicant's entitlement to exercise the right.

- (2) An applicant must provide one of the following with an application under paragraph (1)—
  - (a) a copy of the register of title to all or part of the land to which the right is attached, which records the applicant's ownership of an estate referred to in paragraph (1); or
  - (b) where the land is not registered in the register of title, other evidence of the applicant's ownership of an estate referred to in paragraph (1).
- (3) An applicant must also provide details of—
  - (a) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates; and
  - (b) where the declaration relates to only part of the land to which the right of common in the register entry is shown as attached, an explanation of how the applicant has calculated the extent to which the right of common is exercisable in relation to the part of the land to which the declaration relates.
- (4) On receipt of an application under this regulation, the registration authority must allocate a reference number to it.
- (5) Where a declaration is entered in a register pursuant to an application under this regulation, the registration authority must send the applicant a copy of the entry.
- (6) If a registration authority believes that an entry made in a register pursuant to an application under this regulation contains a material error, or that the person who made the declaration is no longer the owner of the land to which the right of common is attached, it may, subject to paragraph (7), cancel the declaration.
- (7) Before cancelling the declaration the registration authority must—
  - (a) serve on the person who made the declaration notice in writing of its intention to do so; and
  - (b) consider any representations made by that person within 28 days of being served with the notice.

### **Operation at law of relevant instruments effecting statutory dispositions**

- 45.—**(1) This regulation applies where a relevant instrument—
- (a) in relation to any registered land, extinguishes—
    - (i) a right of common; or
    - (ii) a right of access for open air recreation (however expressed);
  - (b) in relation to any land registered as a town or village green, extinguishes a right to indulge in lawful sports or pastimes (however expressed);
  - (c) confers, or vests in any person, a right over other land in exchange for a right which is extinguished as mentioned in sub-paragraph (a) or (b);
  - (d) causes any registered land to cease to be common land or a town or village green; or
  - (e) causes any land to become common land or a town or village green.

(2) The relevant instrument does not, to the extent that it has any of the effects mentioned in paragraph (1), operate at law until, further to the granting of an application made under paragraph 8

of Schedule 4, the disposition effected by that instrument is registered in the register of common land or the register of town or village greens.

- (3) In paragraphs (1) and (2)—
- (a) “disposition” means a disposition to which paragraph 8 of Schedule 4 applies; and
  - (b) “relevant instrument” means a relevant instrument (as defined in section 14(3) of the 2006 Act) to which that paragraph applies.

### Severance by transfer to Natural England

**46.**—(1) A notice under paragraph 1(2) of Schedule 1 to the 2006 Act of a proposal to sever a right of common from the land to which it is attached by transferring it on its own to Natural England must, in addition to the matters set out in paragraph 1(3) of Schedule 1 to the 2006 Act—

- (a) contain an extract of the relevant entry in the rights section of the register unit relating to the registration of the right of common, which must include the information specified in paragraph (2);
  - (b) state whether, and if so to what extent, the right of common has been exercised during the period of five years prior to the giving of the notice; and
  - (c) specify the earliest date on which the application by Natural England under paragraph 1(6)(b) of Schedule 1 to the 2006 Act is intended to be made.
- (2) The extract from the register required by paragraph (1)(a) must include—
- (a) a description of the right of common;
  - (b) the rights section entry number of the register entry for the right of common;
  - (c) a description of the land to which the right of common is attached;
  - (d) the register unit number of the land over which the right of common is exercisable; and
  - (e) where the right of common is exercisable over part only of that register unit, a description of that part of the register unit over which the right is exercisable.

### Matters affecting the public

**47.**—(1) Where registered land is affected by any of the matters referred to in paragraph (2), the registration authority—

- (a) must, on an application made in accordance with this regulation, enter a note of the matter in the land section of the register; and
  - (b) may enter such a note on its own initiative.
- (2) Those matters are—
- (a) a scheme made under Part 1 of the Commons Act 1899<sup>(9)</sup> or under the Metropolitan Commons Acts 1866 to 1898<sup>(10)</sup>;
  - (b) a local Act regulating the land;
  - (c) an order of regulation made under the Commons Act 1876<sup>(11)</sup> and confirmed by a Provisional Order Confirmation Act;

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<sup>(9)</sup> 1899 c. 30.

<sup>(10)</sup> 1866 c. 122, 1869 c. 107, 1878 c. 71, and 1898 c. 43.

<sup>(11)</sup> 1876 c. 56.



- (d) a declaration made by deed under subsection (2) of section 193 of the Law of Property Act 1925<sup>(12)</sup> which declares that that section is to apply to the land;
  - (e) a limitation and condition imposed under proviso (b) to section 193(1) of the Law of Property Act 1925;
  - (f) an order made under Part 2 of the 2006 Act establishing a commons council.
- (3) An application under this regulation may be made by—
- (a) any local authority (other than the registration authority) in whose area any part of the land lies;
  - (b) any person with a function relating to the management or regulation of the land, conferred by an instrument or enactment mentioned in paragraph (2)(a), (b) or (c); or
  - (c) in the case of an application to note a matter referred to in paragraph (2)(d) or (e)—
    - (i) the owner of any part of the land;
    - (ii) any person appearing from the register to be entitled to exercise a right of common over the land;
- (4) Where a note is entered in a register pursuant to an application, the registration authority must send the applicant a copy of the entry.
- (5) A registration authority may cancel an entry under this regulation if it is satisfied on reasonable grounds that the matter to which the entry relates is no longer subsisting.

#### **Registration under Land Registration Act 2002**

- 48.**—(1) Paragraphs (2) and (3) apply in relation to any registered land where—
- (a) the register unit contains an ownership section; and
  - (b) the registration authority is notified by the Chief Land Registrar that the land has become registered in the register of title.
- (2) If the ownership of the land is not registered in the ownership section of the register unit, the registration authority must insert a note in the ownership section.
- (3) If the ownership of the land is registered in the ownership section of the register unit, the registration authority must (in addition to deleting the registration of the ownership as required by paragraph 8(2) of Schedule 3 to the 2006 Act) insert a note in the ownership section.

#### **Deregistration and exchange: action to be taken by registration authority on receipt of order**

- 49.**—(1) Paragraph (2) applies where the Secretary of State has granted an application under section 16 of the 2006 Act and made an order to a registration authority under section 17(1), or under section 17(1) and (2), of the 2006 Act.
- (2) When the registration authority has amended its registers in accordance with the order, it must give written notice of that fact, including details of the amendment made, to—
- (a) the applicant under section 16 of the 2006 Act; and
  - (b) the Secretary of State.

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<sup>(12)</sup> 1925 c. 20. Section 193(1) was amended by section 189(4) of, and Schedule 30 to, the Local Government Act 1972 (c. 70), paragraph 10(5) of Schedule 8 to the Local Government Act 1985 (c. 51), paragraph 7 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), and paragraph 1 of Schedule 4 to the Countryside and Rights of Way Act 2000 (c. 37).

### Vacant benefices

**50.** Where any land or rights of common belong to an ecclesiastical benefice of the Church of England and the benefice is vacant, anything done with respect to the land or rights of common which, if the benefice had an incumbent, might by virtue of the 2006 Act or these Regulations be done by or to the incumbent may be done by or to the Church Commissioners.

## PART 6

### Supplemental

#### Electronic communications

**51.**—(1) Any requirement by or under these Regulations for a person to send a notice or document to another person may be met by means of an electronic communication if—

- (a) it results in the information contained in that notice or document being available to the other person in a form similar to the form in which it would appear in a notice or document sent in printed form; and
- (b) except where the other person is the determining authority, the other person consents to the notice or document being sent by those means.

(2) A person who has provided an e-mail address is to be treated as consenting to a document being sent by e-mail.

(3) Any requirement in these Regulations for a document to be signed does not apply in the case of a document sent by means of an electronic communication.

(4) Paragraphs (1) and (3) do not apply in relation to the submission of an application form to a registration authority.

#### Service of documents

**52.**—(1) Any requirement in these Regulations to serve a document on another person is satisfied, if that person cannot be found, by—

- (a) leaving the document at that person's last known address; or
- (b) sending the document by post to that address.

#### Inspection and copying of documents

**53.**—(1) Any request to inspect or make copies of any document referred to in section 20(1) (b) or (c) of the 2006 Act must be treated by the registration authority as a request for information under the relevant legislation.

(2) Where the relevant legislation does not require the information contained in the document to be communicated or made available, the registration authority may refuse to permit inspection, or copies to be taken, of that document.

(3) In this regulation and in regulation 54, “relevant legislation” means the Environmental Information Regulations 2004(13) or the Freedom of Information Act 2000(14).

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(13) S.I. 2004/3391.

(14) 2000 c. 36.

## Official copies

**54.**—(1) Any person may request a registration authority to provide an official copy of, or of any part of, any register or document referred to in section 21(1) of the 2006 Act.

(2) A registration authority may charge a fee for providing an official copy, not exceeding its costs in providing official copies.

(3) Subject to paragraph (4), upon receiving a request for an official copy, and payment of any fee, a registration authority must provide an extract from the register or a copy of the document, certified on behalf of the registration authority as a true extract or copy as at the date of issue.

(4) A registration authority may refuse a request to provide an official copy of, or of any part of, a document referred to in section 20(1)(b) or (c) of the 2006 Act where the relevant legislation does not require the information contained in the document to be communicated or made available.

## Revocations and transitional provisions

**55.**—(1) The following enactments cease to have effect in relation to the registration areas in England of the registration authorities specified in Schedule 1—

- (a) the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007(**15**) (“the 2007 Town or Village Greens Regulations”); and
- (b) the Commons (Deregistration and Exchange Orders) (Interim Arrangements) (England) Regulations 2007(**16**).

(2) Paragraphs (3) and (4) apply in relation to any application made before 1st October 2008 under section 15 of the 2006 Act in accordance with the 2007 Town or Village Greens Regulations if, by 1st October 2008, the application has not been determined, or if any amendment remains to be made to a register in consequence of the determination of the application.

(3) Nothing in paragraph (1) affects the validity of anything done in relation to the application before 1st October 2008 which was done in accordance with the 2007 Town or Village Greens Regulations.

(4) These Regulations apply in relation to the application from 1st October 2008, except for—

- (a) regulations 15 to 19 and 27(3)(a), and Schedule 4; and
- (b) any other provision which corresponds (whether or not in identical terms) to a provision of the 2007 Town or Village Greens Regulations which has already been complied with.

*Jonathan Shaw*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

21st July 2008

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(15) S.I. 2007/457.

(16) S.I. 2007/2585.

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SCHEDULE 1

Regulation 1

Registration authorities

- Blackburn with Darwen Borough Council
- Cornwall County Council
- Devon County Council
- County of Herefordshire District Council
- Hertfordshire County Council
- Kent County Council
- Lancashire County Council

SCHEDULE 2

Regulation 2

Forms

Form 1

|                               |  |  |
|-------------------------------|--|--|
| COMMONS<br>2006               | ACT NOTE: This part of the register contains—  | Official stamp<br>of registration<br>authority |
| <b>REGISTER OF</b>            | <ul style="list-style-type: none"> <li>(a) particulars of any agreement under section 4(3) of the Act having the effect of adding land to, or taking land from, the registration area;</li> <li>(b) particulars of any transfer, to or from the registration authority, of responsibility for maintaining any register unit, otherwise than under section 4(3) of the Act; and</li> <li>(c) particulars of any land situated in the area of the registration authority to which, by virtue of section 5 of the Act, the registration provisions do not apply.</li> </ul> |  |
| GENERAL PART—<br>Sheet number |  |  |

| <i>No. and date of entry</i> | <i>Entries</i> | <i>No. and date of entry</i> | <i>Entries</i> |
|------------------------------|----------------|------------------------------|----------------|
|                              |                |                              |                |
|                              |                |                              |                |
|                              |                |                              |                |
|                              |                |                              |                |











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## SCHEDULE 3

Regulation 2

### Model and Standard entries

## PART 1

### Model Entries

#### Model Entry 1

For the general part of the register.

#### Agreement between registration authorities

| No. and date of entry    | Entries   | No. and date of entry | Entries |
|--------------------------|---|-----------------------|---------|
| 1.<br>25th February 2009 | By an agreement made on 14th February 2009 between the Bassetshire County Council and the Wessex County Council under section 4(3) of the Commons Act 2006 the Bassetshire County Council became the registration authority in relation to the whole of the area known as Barchester Meadows, which lies to the North of the A344 and to the West of Little Stokehampton. |                       |         |

#### Model Entry 2

For the general part of the register.

#### Transfer from one registration authority to another

| No. and date of entry    | Entries  | No. and date of entry | Entries |
|--------------------------|--|-----------------------|---------|
| 7.<br>25th February 2009 | By article 9 of the Bassetshire (City of Barchester) (Structural and Boundary Changes) Order 2009 (S.I. 2009/9999), made by the Secretary of State on 14th February 2009, responsibility for maintaining the registers of common land and of town or village greens so far as they relate to land in the city of Barchester will be transferred, with effect from the 1st July 2009, from the Bassetshire County Council to the Barchester City Council. |                       |         |

#### Model Entry 3

For the rights section of the register.

#### Newly created right of common attached to land

| 1<br>No. and date of entry | 2<br>No., date and cause of application                 | 3<br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | 4<br>Particulars of the right of common and of the land over which it is exercisable | 5<br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross  | 6<br>Declaration of entitlement to right and details of the right claimed |
|----------------------------|---|--|--|--|---|
| 42.<br>14th July 2009      | 661.<br>5th May 2009<br><br>s.6 of the Commons Act 2006 | Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Owner of land to which right of common is attached.   | To graze 100 sheep over the whole of the land comprised in the register unit.        | The land at King's Farm, Fursdon, Barchester, BA1 2AB as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. |   |

#### Model Entry 4

For the rights section of the register.

#### Variation of a right of common

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| <i>1</i><br>No. and date of entry                          | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|--|---|--|---|--|
| 40.<br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290.<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester. Owner.  | To graze 30 cattle over the whole of the land comprised in the register unit.<br>(Registration provisional) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28.<br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October   | 1970.  |

| <i>1</i><br>No. and date of entry              | <i>2</i><br>No., date and cause of application      | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                   | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|---|---|---|--|--|
| 42.<br>14th July 2009<br>(See entries 10 & 28) | 661.<br>5th May 2009<br>s.7 of the Commons Act 2006 | Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Owner of land to which right of common is attached.          | To graze 200 sheep over the whole of the land comprised in the register unit.               | The land at King's Farm, Fursdon, Barchester, BA1 2AB as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. |  |

### Model Entry 5

For the rights section of the register.

#### Apportionment of a right of common

| <i>1</i><br>No. and date of entry                                 | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|---|---|--|---|--|
| 40.<br>10th March 1967<br>(See entry 28)<br>(See entries 42 & 43) | 290.<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester. Owner.  | To graze 300 sheep over the whole of the land comprised in the register unit.<br>(Registration provisional) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28.<br>6th October 1970   | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October   | 1970.  |

| <i>1</i><br>No. and date of entry              | <i>2</i><br>No., date and cause of application      | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                       | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|---|---|---|--|--|
| 42.<br>14th July 2009<br>(See entries 10 & 28) | 290.<br>4th March 1967                              | John Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Owner.  | To graze 100 sheep over the whole of the land comprised in the register unit.               | The land at King's Farm, Fursdon, Barchester, BA1 2AB as shown hatched blue within the boundary on the supplemental map bearing the number of this registration.     |  |
| 43.<br>14th July 2009<br>(See entries 10 & 28) | 661.<br>5th May 2009<br>s.8 of the Commons Act 2006 | Hannah McMinn, Bishop's Farm, Fursdon, Barchester, BA1 3FR. Owner of land to which right of common is attached.       | To graze 200 sheep over the whole of the land comprised in the register unit.               | The land at Bishop's Farm, Fursdon, Barchester, BA1 3FR, as shown hatched green within the boundary on the supplemental map bearing the number of this registration. |  |

### Model Entry 6

For the rights section of the register.

#### Attachment of right of common

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| <i>1</i><br>No. and date of entry                          | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                | <i>5</i><br>Particulars of the land (if any) to which the right is attached          |
|--|---|--|---|--|
| 40.<br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290.<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester.<br>Owner.   | To graze 300 sheep over the whole of the land comprised in the register unit.<br>(Registration provisional) | Right of common held in gross. Owner: John Lavery, King's Farm, Fursdon, Barchester. |
| 28.<br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October   | 1970.  |

| <i>1</i><br>No. and date of entry              | <i>2</i><br>No., date and cause of application           | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                     | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|--|---|---|--|--|
| 42.<br>14th July 2009<br>(See entries 10 & 28) | 661.<br>5th May 2009<br><br>s.10 of the Commons Act 2006 | Hannah McMinn, Bishop's Farm, Fursdon, Barchester, BA1 3FR. Owner of land to which right of common is attached.       | To graze 300 sheep over the whole of the land comprised in the register unit.               | The land at Bishop's Farm, Fursdon, Barchester, BA1 3FR as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. |  |

### Model Entry 7

For the rights section of the register.

#### Re-allocation of attached right of common

| <i>1</i><br>No. and date of entry                          | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable  | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|--|---|--|---|--|
| 40.<br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 289.<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester.<br>Owner.   | To graze—<br>(a) 20 head of cattle; or<br>(b) 100 sheep;<br>over the land comprised in this register unit<br>(Registration provisional) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28.<br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October   | 1970.  |

| <i>1</i><br>No. and date of entry              | <i>2</i><br>No., date and cause of application           | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable                             | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                   | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|--|---|---|--|--|
| 42.<br>14th July 2009<br>(See entries 10 & 28) | 661.<br>5th May 2009<br><br>s.11 of the Commons Act 2006 | Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Owner of the land to which the right of common is attached.  | To graze—<br>(a) 20 head of cattle; or<br>(b) 100 sheep,<br>over the whole of the land comprised in this register unit. | The land at King's Farm, Fursdon, Barchester, BA1 2AB as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. |  |

### Model Entry 8

For the rights section of the register.

#### Transfer of right of common held in gross

| <i>1</i><br>No. and date of entry                          | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                 | <i>5</i><br>Particulars of the land (if any) to which the right is attached          |
|--|---|--|--|--|
| 40.<br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290.<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester.<br>Owner.   | To graze 200 sheep over the whole of the land comprised in this register unit.<br>(Registration provisional) | Right of common held in gross. Owner: John Lavery, King's Farm, Fursdon, Barchester. |
| 28.<br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October  | 1970.  |

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| <i>1</i><br>No. and date of entry                  | <i>2</i><br>No., date and cause of application           | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|--|---|---|--|--|
| 42.<br><br>14th July 2009<br>(see entries 10 & 28) | 661.<br><br>5th May 2009<br><br>s.12 of Commons Act 2006 | Hannah McMin, Bishop's Farm, Fursdon, Barchester, BA1 3FR.<br>Transferee.   | To graze 200 sheep over the whole of the land comprised in this register unit.              | Right of common held in gross.<br>Owner: Hannah McMin, Bishop's Farm, Fursdon, Barchester BA1 3FR.                             |  |

## Model Entry 9

For the rights section of the register.

### Surrender and extinguishment of right of common

| <i>1</i><br>No. and date of entry                              | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                   | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|--|---|--|--|--|
| 40.<br><br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290.<br><br>4th March 1967              | John Lavery, King's Farm, Fursdon, Barchester.<br>Owner.   | To cut and take peat over the whole of the land comprised in this register unit.<br>(Registration provisional) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28.<br><br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October  | 1970.  |

| <i>1</i><br>No. and date of entry                  | <i>2</i><br>No., date and cause of application           | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied   | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|--|---|---|--|--|
| 42.<br><br>14th July 2009<br>(See entries 10 & 28) | 661.<br><br>5th May 2009<br><br>s.13 of Commons Act 2006 | Registration amendment: the right of application of:<br><br>Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Owner of the land to which the right of common was attached. | common registered at entry No 10  | above was extinguished on the  |  |

## Model Entry 10

For the rights section of the register.

### Declaration of entitlement to attached right of common

| <i>1</i><br>No. and date of entry                              | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                 | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|--|---|--|--|--|
| 40.<br><br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290.<br><br>4th March 1967              | John Lavery, King's Farm, Fursdon, Barchester.<br>Owner.   | To graze 300 sheep over the whole of the land comprised in the register unit.<br>(Registration provisional.) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28.<br><br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October  | 1970.  |

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| <i>1</i><br>No. and date of entry                 | <i>2</i><br>No., date and cause of application   | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                    | <i>6</i><br>Declaration of entitlement to right and details of the right claimed                             |
|---|--|---|---|---|--|
| 42.<br><br>11th May 2009<br>(See entries 10 & 28) | 661.<br><br>4th May 2009<br><br>regulation 44 of the Commons Registration (England) Regulations 2008 | Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Declarant.   | To graze 300 sheep over the whole of the land comprised in the register unit.               | The land at King's Farm, Fursdon, Barchester, BA1 2AB, as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. | The applicant claims the right to graze 300 sheep over the whole of the land comprised in the register unit. |

### Model Entry 11

For the rights section of the register.

#### Declaration of partial entitlement to exercise attached right of common

| <i>1</i><br>No. and date of entry                              | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable              | <i>5</i><br>Particulars of the land (if any) to which the right is attached   |
|--|---|--|---|---|
| 40.<br><br>40th March 1967<br>(See entry 29)<br>(See entry 42) | 290.<br><br>4th March 1967              | John Lavery, King's Farm, Fursdon, Barchester. Owner.  | To graze 300 sheep over the whole of the land comprised in the register unit. (Registration provisional.) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barsetshire. |
| 29.<br><br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed.   | became final on 1st October   | 1970.   |

| <i>1</i><br>No. and date of entry                                   | <i>2</i><br>No., date and cause of application   | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied  | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                    | <i>6</i><br>Declaration of entitlement to right and details of the right claimed                             |
|---|--|--|---|---|--|
| 42.<br><br>11th May 2009<br>(See entries 10 & 29)<br>(See entry 62) | 661.<br><br>4th May 2009<br><br>regulation 44 of the Commons Registration (England) Regulations 2008       | Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Declarant.  | To graze 300 sheep over the whole of the land comprised in the register unit.               | The land at King's Farm, Fursdon, Barchester, BA1 2AB, as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. | The applicant claims the right to graze 128 sheep over the whole of the land comprised in the register unit. |
| 62.<br><br>12th September 2009<br>(See entry 42)                    | 673.<br><br>4th September 2009<br><br>regulation 44 of the Commons Registration (England) Regulations 2008 | Registration amendment: a declaration of registered at entry no. 42 above has been<br><br>Sir Jasper Murgatroyd Bt., of Murgatroyd Hall, Cauldron Heath, Barchester, BA3 3PT. Declarant. | partial entitlement to exercise the made.   | right of common   | The applicant claims the right to graze 172 sheep over the whole of the land comprised in the register unit. |

### Model Entry 12

For the rights section of the register.

#### Cancellation of declarations of partial entitlement to exercise attached right of common

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Commons Registration (England) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

| <i>1</i><br>No. and date of entry                               | <i>2</i><br>No., date and cause of application   | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied  | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross                                    | <i>6</i><br>Declaration of entitlement to right and details of the right claimed                             |
|---|--|--|---|---|--|
| 42.<br>11th May 2009<br>(See entries 10 & 29)<br>(See entry 62) | 661.<br>4th May 2009<br>regulation 44 of the Commons Registration (England) Regulations 2008       | Angus Lavery, King's Farm, Fursdon, Barchester, BA1 2AB. Declarant.  | To graze 300 sheep over the whole of the land comprised in the register unit.               | The land at King's Farm, Fursdon, Barchester, BA1 2AB, as shown hatched blue within the boundary on the supplemental map bearing the number of this registration. | The applicant claims the right to graze 128 sheep over the whole of the land comprised in the register unit. |
| 62.<br>12th September 2009<br>(See entry 42)                    | 673.<br>4th September 2009<br>regulation 44 of the Commons Registration (England) Regulations 2008 | Registration amendment: a declaration of entry no. 42 above has been made.<br>Sir Jasper Murgatroyd Bt., of Murgatroyd Hall, Cauldron Heath, Barchester, BA3 3PT. Declarant. | partial entitlement to exercise the   | right of common registered at   | The applicant claims the right to graze 172 sheep over the whole of the land comprised in the register unit. |

### Model Entry 13

For the rights section of the register.

**Deregistration and exchange: amendment of right where replacement land registered as new register unit** In the register relating to the release land ('register unit CL X')

| <i>1</i><br>No. and date of entry                          | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable  | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|--|---|--|---|--|
| 10.<br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290.<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester. Owner.  | To graze -<br>(a) 20 head of cattle, or<br>(b) 100 sheep,<br>over the land comprised in this register unit<br>(Registration provisional.) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28.<br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed,   | became final on 1st October   | 1970.  |

| <i>1</i><br>No. and date of entry             | <i>2</i><br>No., date and cause of application | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|---|--|---|---|--|--|
| 42.<br>11th May 2009<br>(See entries 10 & 28) | s.17 of the Commons Act 2006                   | Registration amendment: entry No.10 above   | is modified by entry no.1 in register   | unit CL Y.   |  |

In the register relating to the replacement land ('register unit CL Y')

| <i>1</i><br>No. and date of entry | <i>2</i><br>No., date and cause of application | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable  | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross   | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|-----------------------------------|--|---|--|--|--|
| 1.<br>11th May 2009               | s.17 of the Commons Act 2006                   | Not applicable. Registration made pursuant to an order made by the Secretary of State on 8th May 2009.                | (See entries nos. 10 & 28 in register unit CL X.)<br>The right to graze—<br>(a) 20 head of cattle, or<br>(b) 100 sheep,<br>over register unit CL X is also exercisable over the whole of this register unit. | The land at King's Farm, Fursdon, Barchester, BA1 2AB as shown hatched blue within the boundary on the supplemental map bearing registration No.10 under register unit CL X. |  |

### Model Entry 14

For the rights section of the register.

**Severance by transfer of a right of common**

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Commons Registration (England) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

| <i>1</i><br>No. and date of entry                          | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of every applicant for registration, and the capacity in which he applied | <i>4</i><br>Particulars of the right of common, and of the land over which it is exercisable                 | <i>5</i><br>Particulars of the land (if any) to which the right is attached  |
|--|---|--|--|--|
| 40:<br>10th March 1967<br>(See entry 28)<br>(See entry 42) | 290:<br>4th March 1967                  | John Lavery, King's Farm, Fursdon, Barchester, Owner.  | To graze 200 sheep over the whole of the land comprised in this register unit.<br>(Registration provisional) | King's Farm, Fursdon, Barchester comprising O.S. Nos. 101, 102, 103, 104 and 105 on the O.S. map (2nd edition 1907) for the parish of Fursdon, Barchester. |
| 28:<br>6th October 1970                                    | The registration                        | at entry no. 10 above, being undisputed;   | became final on 1st October  | 1970.  |

| <i>1</i><br>No. and date of entry                | <i>2</i><br>No., date and cause of application                                   | <i>3</i><br>Name and address of every applicant for registration or amendment, and the capacity in which they applied   | <i>4</i><br>Particulars of the right of common and of the land over which it is exercisable | <i>5</i><br>Particulars of the land (if any) to which the right is attached or details of the owner of any right held in gross  | <i>6</i><br>Declaration of entitlement to right and details of the right claimed |
|--|--|---|---|---|--|
| 42.<br>11th August 2009<br>(See entries 10 & 28) | 661.<br>5th May 2009<br><br>Paragraph 1(6) of Schedule 1 to the Commons Act 2006 | The Secretary, Black Moss Commons Council, Bishop's Farm, Fursdon, Barchester BA1 3FR.<br>A commons council established for the land over which the right of common is exercisable. | To graze 200 sheep over the whole of the land comprised in this register unit.              | The right of common at entry no. 10 above was severed from the land to which it was previously attached and became a right of common in gross. Owner: Black Moss Commons Council, Bishop's Farm, Fursdon, Barchester BA1 3FR. |  |

### Model Entry 15

For the land section of the register.

#### Deregistration of part of registered area

| <i>No. and date of entry</i>                              | <i>Description of the land, reference to the register map, registration particulars, etc.</i>  |
|---|--|
| 1.<br>10th January 1967<br>(See entry 2)<br>(See entry 3) | The tract of about 2.643 acres called Sheepwash Common in the parishes of Gilderdale and East Poppington, Barchester, as marked with a green verge line inside the boundary on sheet 8 of the register map and distinguished by the number of this register unit. Registered pursuant to application No. 14 made 2nd January 1967 by The Commons, Open Spaces and Footpaths Preservation Society, Suite 4, 166, Shaftesbury Avenue, London, W.C.2. (Registration provisional.) |
| 2.<br>7th October 1970                                    | The registration at entry no. 1 above, being undisputed, became final on 1st October 1970.   |
| 3.<br>14th February 2009                                  | Registration amendment: 0.421 hectares of the land comprised in this register unit and described at entry no. 1 above, as marked by violet hatching on the register map and labelled "D1", was removed from the register of common land pursuant to application no. 661 made by Barchester City Council on 1st October 2008 under paragraph 6 of Schedule 2 to the Commons Act 2006.   |

### Model Entry 16

For the land section of the register.

#### Deregistration of whole of registered area

| <i>No. and date of entry</i>                              | <i>Description of the land, reference to the register map, registration particulars, etc.</i>   |
|---|---|
| 1.<br>2nd February 1967<br>(See entry 2)<br>(See entry 3) | The tract of about 3.114 acres called Leaty Green in the parish of Nutfield, Barchester, as marked with a green verge line inside the boundary on sheet 8 of the register map and distinguished by the number of this register unit. Registered pursuant to application No. 14 made 2nd January 1967 by The Commons, Open Spaces and Footpaths Preservation Society, Suite 4, 166, Shaftesbury Avenue, London, W.C.2. (Registration provisional.) |
| 2.<br>7th October 1970                                    | The registration at entry no. 1 above, being undisputed, became final on 1st October 1970.  |
| 3.<br>3rd April 2009                                      | Registration amendment: the whole of the land comprised in this register unit and described at entry no. 1 above was removed from the register of town or village greens pursuant to application no. 661 made by Mr J. Popplewell of 18 Acacia Avenue, Gilder Edge, Barchester, BA4 3EE on 2nd October 2008 under paragraph 9 of Schedule 2 to the Commons Act 2006.  |

### Model Entry 17

For the land section of the register

#### Registration of new land as addition to registered area

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| <i>No. and date of entry</i>                              | <i>Description of the land, reference to the register map, registration particulars, etc.</i>   |
|---|---|
| 1.<br>10th January 1967<br>(See entry 2)<br>(See entry 3) | The tract of about 2.643 acres called Sheepwash Common in the parishes of Gilderdale and East Poppington, Bassetshire, as marked with a green verge line inside the boundary on sheet 8 of the register map and distinguished by the number of this register unit. Registered pursuant to application No. 14 made 2nd January 1967 by The Commons, Open Spaces and Footpaths Preservation Society, Suite 4, 166, Shaftesbury Avenue, London, W.C.2. (Registration provisional.) |
| 2.<br>7th October 1970                                    | The registration at entry no. 1 above, being undisputed, became final on 1st October 1970.  |
| 3.<br>14th February 2009                                  | Registration amendment: the registration at entry no. 1 above was amended by the addition of 1.842 hectares of land to be comprised in the same register unit, as marked with a green verge inside the boundary on sheet 8 of the register map and labelled "A1", pursuant to application no. 661 made by Gilderdale Parish Council on 2nd October 2008 under paragraph 2 of Schedule 2 to the Commons Act 2006.  |

## Model Entry 18

For the land section of the register.

### Registration of new land as new register unit

| <i>No. and date of entry</i> | <i>Description of the land, reference to the register map, registration particulars, etc.</i>  |
|------------------------------|--|
| 1.<br>14th February 2009     | The parcel of land of about 2.128 hectares called Lowly Green in the parish of Nutfield, Bassetshire, as marked with a green verge inside the boundary on sheet 8 of the register map and distinguished by the number of this register unit. Registered pursuant to application no. 661 made by Mrs I F A Field, 16 The Waldrons, Barchester, BA1 2PR on 1st October 2008 under section 15(8) of the Commons Act 2006. [The locality, or neighbourhood within a locality, specified in the application for registration of this land was [described as the parish of Nutfield][set out in the map bearing the number of this register unit and filed with the application].] |

## Model Entry 19

For the land section of the register.

### Town or village green wrongly registered as common landIn the commons register relating to the wrongly registered land ('register unit CL X')

| <i>No. and date of entry</i>                              | <i>Description of the land, reference to the register map, registration particulars, etc.</i>   |
|---|---|
| 1.<br>2nd February 1967<br>(See entry 2)<br>(See entry 3) | The tract of about 3.114 acres called Leafy Green in the parish of Nutfield, Bassetshire, as marked with a green verge line inside the boundary on sheet 8 of the register map and distinguished by the number of this register unit. Registered pursuant to application No.14 made 2nd January 1967 by The Commons, Open Spaces and Footpaths Preservation Society, Suite 4, 166, Shaftesbury Avenue, London, W.C.2. (Registration provisional.) |
| 2.<br>7th October 1970                                    | The registration at entry no. 1 above, being undisputed became final on 1st October 1970.   |
| 3.<br>3rd April 2009                                      | Registration amendment: the whole of the land comprised in this register unit and described at entry no. 1 above was removed from the register of common land pursuant to application no. 661 made by Nutfield Parish Council on 1st October 2008 under paragraph 5 of Schedule 2 to the Commons Act 2006. Land re-registered as a town or village green, under register unit VG Y.   |

### In the town or village greens register ('register unit VG Y')

| <i>No. and date of entry</i> | <i>Description of the land, reference to the register map, registration particulars, etc.</i>  |
|------------------------------|--|
| 1.<br>3rd April 2009         | The parcel of land of about 1.260 hectares called Leafy Green in the parish of Nutfield, Bassetshire, as marked with a green verge inside the boundary on sheet 12 of the register map and distinguished by the number of this register unit. Registered pursuant to application no. 661 made by Nutfield Parish Council on 1st October 2008 under paragraph 5 of Schedule 2 to the Commons Act 2006. Registration transferred from the register of common land, register unit CL X. |

## Model Entry 20

For the land section of the register

### Deregistration of part of registered area and registration of replacement land



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| No. and date of entry   | Description of the land, reference to the register map, registration particulars, etc.  |
|---|---|
| 1.<br>10th January 1967<br>(See entry 2)<br>(See entries 3 & 4) | The tract of about 2.643 acres called Sheepwash Common in the parishes of Gilderdale and East Poppington, Bassetshire, as marked with a green verge line inside the boundary on sheet 8 of the register map and distinguished by the number of this register unit. Registered pursuant to application No. 14 made 2nd January 1967 by The Commons, Open Spaces and Footpaths Preservation Society, Suite 4, 166, Shaftesbury Avenue, London, W.C.2. (Registration-provisional-)   |
| 2.<br>7th October 1970  | The registration at entry no. 1 above, being undisputed, became final on 1st October 1970.  |
| 3.<br>14th February 2009  | Registration amendment: 0.421 hectares of the land comprised in this register unit and described at entry no. 1 above, as marked by violet hatching on the register map and labelled "D1", was removed from the register of common land pursuant to application no. 661 made by Barchester City Council on 1st October 2008 under paragraph 8 of Schedule 4 to the Commons Registration (England) Regulations 2008.   |
| 4.<br>14th February 2009  | Registration amendment: the registration at entry no. 1 above was amended by the addition of 0.511 hectares of land to be comprised in the same register unit in replacement for the land removed from the register at entry no. 3 above, as marked with a green verge inside the boundary on sheet 8 of the register map and labelled "A1", pursuant to application no. 661 made by Barchester City Council on 1st October 2008 under paragraph 8 of Schedule 4 to the Commons Registration (England) Regulations 2008. [The replacement land became subject to the rights of common which were previously exercisable over the release land.] |

### Model Entry 21

For notes, land section of the register.

#### Note of matters affecting the public

| No. and date of note     | Notes   | No. and date of note | Notes |
|--------------------------|---|----------------------|-------|
| 1.<br>25th February 2009 | The land comprised in this register unit is land to which section 193 of the Law of Property Act 1925 applies by virtue of a declaration made on 13th September 1928 by the Hon. Percy Golithly by deed under subsection (2) of that section, and the rights of public access conferred by that section are subject to the limitations and conditions imposed under proviso (b) to subsection (1) of that section by the Secretary of State on 20th February 2009 (and published as directed by the Secretary of State under subsection (3) of that section). |                      |       |

### Model Entry 22

For notes, land section of the register.

#### Note of matters affecting the public

| No. and date of note     | Notes  | No. and date of note | Notes |
|--------------------------|--|----------------------|-------|
| 1.<br>25th February 2009 | The land comprised in this register unit is regulated by a scheme approved by Barchester City Council on 12th February 2009, entitled the Sheepwash Common and Lowly Green Scheme of Management 2009, under and by virtue of Part 1 of the Commons Act 1899. |                      |       |

### Model Entry 23

For notes, ownership section of the register.

#### Registration under Land Registration Act 2002

The freehold estate in the part of the land comprised in this register unit lying south of the line A-B-C on the register map has been registered under the Land Registration Act 2002, with title number SZ234567.

### Model Entry 24

For ownership section of the register.

#### Registration under Land Registration Act 2002

For note in the ownership section of the register

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The registration at entry No. 1 overleaf has been deleted under paragraph 8(2) of Schedule 3 to the Commons Act 2006, the freehold estate in the land to which it applied having been registered under the Land Registration Act 2002, with title number SZ234567.

*In ownership section of the register*

| <i>1</i><br>No. and date of note                        | <i>2</i><br>No. and date of application | <i>3</i><br>Name and address of person registered as owner                           | <i>4</i><br>Particulars of the land to which the registration applies   |
|---|---|--|---|
| 1.<br>24th April 1967<br>(See entry 2)<br>(See entry 3) | 300.<br>15th April 1967                 | John Lavery, King's Farm, Fursdon, Barchester.<br>(Registration provisional.)        | The whole of the land comprised in this register unit except that shown hatched blue on inset 'A' to sheet 4 of the register map. |
| 2.<br>6th October 1970                                  | The registration                        | at entry no. 1 above, being undisputed, became final                                 | on 1st October 1970.  |
| 3.<br>3rd May 2009                                      | N/A                                     | The registration at entry no. 1 above was deleted. See notes to entry No.1 overleaf. | The whole of the land comprised in this register unit except that shown hatched blue on inset 'A' to sheet 4 of the register map. |

## PART 2

### Standard Entries

#### Standard Entry 1

For register map.

#### Indorsement

“Register Map of [Common Land] [Town or Village Greens]\* (Sheet No. ....). This is the .... edition of this [map] [sheet]\* ”

#### Standard Entry 2

For register or register map.

#### Indorsement

“This [map] [sheet]\* was replaced by a fresh edition on ... .. 20....”

#### Standard Entry 3

For column 5 of the rights section.

#### Supplemental maps

“The land at ..... as shown [hatched blue]\* within the boundary on the supplemental map bearing the number of this registration”

#### Standard Entry 4

For the supplemental map.

#### Supplemental maps

“Supplemental map referred to in column 5 of entry No. .... in the rights section of register unit No. .... in the Register of [Common Land] [Town or Village Greens]\* ”

\* Delete inapplicable wording or substitute alternative wording, as appropriate.

## SCHEDULE 4

Regulation 16

### Making an application

#### **Applications under section 6: creation of right of common**

1.—(1) An application under section 6 of the 2006 Act may only be made by—

- (a) the owner of the land over which the right of common is to be exercisable, or
- (b) the owner of the land to which the right of common is to be attached,

and the application must show in which capacity it is made.

(2) The application must show that the following persons consent to it—

- (a) the owner (other than an owner who is the applicant)—
  - (i) of the land over which the right of common is to be exercisable; or
  - (ii) of the land to which the right of common is to be attached;
- (b) any relevant leaseholder of the land over which the right of common is to be exercisable;
- (c) any person having the benefit of a relevant charge over the land over which the right of common is to be exercisable.

(3) The application must include—

- (a) evidence of the applicant's capacity to make the application by virtue of sub-paragraph (1) (a) or (b);
- (b) a description of the right of common to be created;
- (c) a description of the land over which the right of common is to be exercisable;
- (d) a description of the land to which the right of common is to be attached; and
- (e) where the right of common to be created consists of a right to graze any animal, evidence that the land over which that right would be exercisable is able to sustain the exercise of that right (together with, if the land is already registered as common land, any other rights of common registered as exercisable over that land).

#### **Applications under section 7: variation of right of common**

2.—(1) An application under section 7 of the 2006 Act may only be made by—

- (a) the owner of any part of the land over which the right of common was exercisable prior to the variation of that right,
- (b) the owner of any land over which the right of common becomes exercisable in consequence of the variation, or
- (c) (as the case may be) the owner of the land to which the right of common is attached, or the owner of the right of common in gross,

and the application must show in which capacity it is made.

(2) The application must show that the following persons consent to it—

- (a) every person (other than the applicant) who is the owner—
  - (i) of any land described in sub-paragraph (1)(a) or (b), and
  - (ii) (as the case may be) of the land to which the right of common is attached, or of the right of common in gross;
- (b) any relevant leaseholder of any land described in sub-paragraph (1)(a) or (b);

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- (c) any person having the benefit of a relevant charge over any land described in sub-paragraph (1)(a) or (b).
- (3) The application must include—
  - (a) evidence of the applicant’s capacity to make the application by virtue of sub-paragraph (1) (a), (b) or (c);
  - (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
  - (c) a description of the variation to be recorded;
  - (d) except where the right of common is held in gross, a description of the land to which the right of common is attached; and
  - (e) where the right of common to be varied consists of a right to graze any animal, evidence that the land over which that right, in consequence of the variation, would be exercisable is able to sustain the exercise of that right (together with, if the land is already registered as common land, any other rights of common registered as exercisable over that land).
- (4) Where it relates to only part of a right of common, the application must—
  - (a) identify that part of the land to which it is attached; and
  - (b) be accompanied by an application made for the purposes of section 8 of the 2006 Act.

### **Applications for the purposes of section 8: apportionment of right of common**

**3.—(1)** An application for the purposes of section 8 of the 2006 Act (in relation to the apportionment of a right of common which is attached to land) must accompany any application (“the primary application”) which—

- (a) is made under—
    - (i) section 7, 11 or 13 of the 2006 Act;
    - (ii) paragraph 1(6)(b) or 3(7)(b) of Schedule 1 to the 2006 Act; or
    - (iii) paragraph 8 of this Schedule; and
  - (b) relates to only a part of a right of common.
- (2) An application for the purposes of section 8 of the 2006 Act may be made in any other case in which a right of common is attached to land of which the ownership is divided into separate titles amongst two or more persons.
- (3) The application may only be made—
    - (a) in the case of an application required to be made by sub-paragraph (1), by the person (and if more than one, by all such persons) by whom the primary application is made;
    - (b) in the case of an application permitted to be made by sub-paragraph (2)—
      - (i) by an owner of any part of the land to which the right of common is attached; or
      - (ii) by two or more such owners, acting jointly.
  - (4) The application must include—
    - (a) evidence of the capacity of the applicant, or (as the case may be) applicants, to make the application by virtue of sub-paragraph (3)(a) or (b);
    - (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
    - (c) a description, and details of the ownership, of—

- (i) the land to which is attached the part of the right of common which is the subject of the primary application, in the case of an application required to be made by sub-paragraph (1); or
- (ii) the land belonging to the applicant or (as the case may be) applicants, in the case of an application permitted to be made under sub-paragraph (2);
- (d) a calculation as to what constitutes a rateable apportionment of the right of common between the land in respect of which a description and details of ownership are required by paragraph (c) and any remaining land to which the right of common is attached; and
- (e) in the case of applications made by two or more owners of different parts of the land, an indication of the portions attaching to the part of each such applicant.

#### **Applications under section 10: attachment of right of common to land**

4.—(1) Where an applicant under section 10 of the 2006 Act is not the person entitled to occupy the land to which the right of common is to be attached, the application must show that that person consents to the application.

- (2) The application must include—
  - (a) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
  - (b) a description of the land to which that right of common is to be attached; and
  - (c) evidence that—
    - (i) the applicant is the owner of the right of common to be attached, and
    - (ii) where a person’s consent is given under sub-paragraph (1), that person is entitled to occupy the land to which the right of common is to be attached.

#### **Applications under section 11: re-allocation of a right of common**

5.—(1) An application under section 11 of the 2006 Act must show that the following persons consent to it—

- (a) any relevant leaseholder of the land to which the right of common is attached;
- (b) any person having the benefit of a relevant charge over that land.
- (2) The application must include—
  - (a) evidence of the applicant’s capacity (as owner of the land to which the right of common is attached) to make the application;
  - (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
  - (c) a description of the land to which the right of common is attached; and
  - (d) details of which part of that land qualifies as “the relevant part” (as described in section 11(1)(b) of the 2006 Act), together with evidence for its so qualifying.
- (3) Where it relates to only part of a right of common, the application must—
  - (a) identify that part of the land to which it is attached; and
  - (b) be accompanied by an application made for the purposes of section 8 of the 2006 Act.
- (4) For the purposes of subsections (2) to (4) of section 11 of the 2006 Act the use of land for any of the following purposes is to be regarded as use of that land for agricultural purposes—
  - (a) growing crops;

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- (b) pasture or grazing;
- (c) forestry;
- (d) the keeping of land as woodland or scrubland;
- (e) any purpose in respect of which any payment under the single payment scheme is made.

(5) For the purposes of this paragraph “single payment scheme” has the meaning it is given in the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005(17).

#### **Applications under section 12: transfer of right in gross**

6.—(1) An application under section 12 of the 2006 Act may only be made by—

- (a) the registered owner of the right of common in gross, or
- (b) the transferee of that right.

(2) Where the registered owner of the right of common in gross is not the applicant, the application must show that that registered owner consents to the application.

(3) The application must include—

- (a) evidence of the applicant’s capacity to make the application by virtue of sub-paragraph (1) (a) or (b); and
- (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates.

#### **Applications under section 13: surrender or extinguishment of right of common**

7.—(1) An application under section 13 of the 2006 Act may only be made by—

- (a) the owner of the land to which the right of common is attached or, in the case of a right of common in gross, the owner of that right; or
- (b) the owner of the land or of any part of the land over which the right of common is exercisable.

(2) Where the applicant is the owner of the land (or of any part of the land) over which the right of common is exercisable, the application must show that the owner of the land to which that right is attached or, as the case may be, the owner of the right of common in gross, consents to the application.

(3) The application must include—

- (a) evidence of the applicant’s capacity to make the application by virtue of sub-paragraph (1) (a) or (b);
- (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates; and
- (c) except where the right of common is held in gross, a description of the land to which the right of common is attached.

(4) Where it relates to only part of a right of common which is attached to land, the application must—

- (a) identify that part of the land to which it is attached; and
- (b) be accompanied by an application made for the purposes of section 8 of the 2006 Act.

#### **Applications pursuant to section 14: statutory dispositions**

8.—(1) This paragraph applies to applications referred to in sub-paragraph (2).

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(17) [S.I. 2005/219](#), to which there are amendments not relevant to these Regulations.

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(2) There must be an application to the registration authority for amendment of a register of common land or of town or village greens in the event of a disposition effected by a relevant instrument in relation to registered land or a registered right of common.

(3) A “disposition” in relation to land, or in relation to a registered right of common, to which this paragraph applies is one made under or pursuant to an enactment listed in column 1 of the table following this paragraph, as described in the corresponding entry in column 2.

(4) A “relevant instrument” (as defined in section 14(3) of the 2006 Act) to which this paragraph applies is any relevant instrument made under or pursuant to an enactment listed in column 1 of the table as described in the corresponding entry in column 3.

(5) Paragraph (6) applies where—

- (a) in connection with a disposition of registered land, other land is given in exchange or otherwise substituted; or
- (b) in connection with a disposition of a registered right of common, other land is to be burdened with an equivalent right of common.

(6) The application to be made under sub-paragraph (2) must include an application for the registration of that other land as common land or as a town or village green, as the case may be, and, where applicable, for the registration of the equivalent right of common.

(7) The application must be made by the person or body specified in the entry in column 4 of the table corresponding to the relevant enactment.

(8) The application must include—

- (a) evidence of the applicant’s capacity to make the application (as described in sub-paragraph (7));
- (b) a copy of the relevant instrument effecting the disposition, and of any consent, authorisation, approval or certificate given for the purposes of that relevant instrument;
- (c) the number of the register unit and, where applicable, the number of the rights section entry, in the register of common land or town or village greens for the right of common to which the application relates; and
- (d) a description of the amendment required to be made in the register of common land or town or village greens.

(9) Where it relates to only part of a right of common, the application must be accompanied by an application made for the purposes of section 8 of the 2006 Act.

**Statutory dispositions: persons who must apply for amendment of register**

| <i>Column 1 – Enactment</i>         | <i>Column 2 – Dispositions</i>   | <i>Column 3 – Relevant Instrument</i>                                       | <i>Column 4 – applicant</i>  |
|-------------------------------------|--|---|------------------------------|
| Inclosure Act 1845(18), section 147 | The exchange of lands not subject to be inclosed, or as to which no inclosure is pending | The order made by the Secretary of State by which that exchange is effected | The applicants for the order |

(18) 1845 c. 118. Section 147 was amended by the Statute Law Revision Act 1891 (c.67), and was repealed by section 53 of, and Part 3 of Schedule 6 to, the Commons Act 2006 (c.26), subject to a saving provision in article 3(3) of the Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/2584 (C. 98)), which requires any application for an order of exchange under section 147 made before 1st October 2007 to continue to be dealt with after that date as if section 147 remained in force.

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| <i>Column 1 – Enactment</i>   | <i>Column 2 – Dispositions</i>   | <i>Column 3 – Relevant Instrument</i>   | <i>Column 4 – applicant</i>   |
|---|--|---|---|
| Inclosure Act 1845, section 149(19)   | The exchange of an inconveniently sited allotment for the poor, or for exercise and recreation, for other land more convenient or suitable for the purposes  | The order made by the Secretary of State by which that exchange is effected   | The applicants for the order  |
| Lands Clauses Consolidation Act 1845(20), sections 99 and 107 (as incorporated into any other Act by virtue of section 1) | The freeing and discharge under the Act of 1845 of all commonable or other such rights from land, upon the vesting of the land (after payment of compensation) in the promoters of the undertaking (as defined in section 2 of that Act) | The conveyance or deed poll by which (where applicable with the consent of the Secretary of State under section 22(1) (c) of the Commons Act 1899(21)) that disposition is effected | The promoters of the undertaking (as defined in section 2 of the Act of 1845) |
| Inclosure Act 1846(22), section 11  | The exchange of any registered right of common defined by numbers or stints, in or to be exercised over any land, for any such right exercised over any other land   | The order made by the Secretary of State by which that exchange is effected   | The applicants for the order  |
| Malvern Hills Act 1930(23), section 8   | The sale, lease, exchange or absolute disposal free from any rights or restrictions of any part or parts of the Malvern Hills comprising registered common land  | The deed or other instrument made by the Malvern Hills Conservators (with the consent of the Secretary of State) effecting that disposition   | The Malvern Hills Conservators  |
| Malvern Hills Act 1930, section 9   | The sale or exchange of any part or parts of the Malvern Hills comprising registered common land, for the purpose of adjusting, defining or improving the boundaries of the Malvern Hills  | The deed or other instrument made by the Malvern Hills Conservators (with the consent of the Secretary of State) effecting that disposition   | The Malvern Hills Conservators  |
| New Parishes Measure  | The disposition of registered common land, made with   | A conveyance to the Church Commissioners  | The Church Commissioners  |

(19) Section 149 was amended by the Statute Law Reform Act 1891.

(20) 1845 c. 18. Section 99 was amended by Schedule 1 to the Administration of Justice Act 1965 (c. 2). Section 107 was amended by the Statute Law Revision Act 1892 (c. 19) and Schedules 1 and 2 to the Administration of Justice Act 1965.

(21) 1899 c. 30.

(22) 1846 c. 70. Section 11 was amended by the Statute Law Revision Act 1891 (c. 67).

(23) 1930 c. lxxii.



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|  |   |   |   |
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| 1943(24), sections 13 and 15   | the consent of the Secretary of State under section 15  |   |   |
| Compulsory Purchase Act 1965(25), section 21 and Schedule 4 (as applying in relation to, or by virtue of, another Act) | The compulsory purchase of registered common land or of a registered town or village green, resulting (after payment of compensation) in the extinguishment of all commonable or other rights in that land                    | The conveyance, executed deed poll or vesting declaration, together with the compulsory purchase order, effecting that disposition  | The acquiring authority, as defined in section 1(3) of the Act            |
| Greater London Parks and Open Spaces Order 1967(26), articles 7, 8 and 12  | Erecting, or permitting to erect any building or other structure on, or enclosing permanently, or permitting to be enclosed permanently, any part of land which is registered as common land or as a town or village green    | The instrument by which the erection of the building or the permanent enclosure (or, in either case, the permission to do the same), (where applicable with the consent of the Secretary of State), was confirmed | The London borough council that is party to the disposition               |
| Greater London Parks and Open Spaces Order 1967, article 15  | The exchange of open space for adjacent land where that open space is registered as common land or town or village green  | The deed or other instrument by which that agreement is made  | The London borough council that is party to the agreement                 |
| Greater London Parks and Open Spaces Order 1967, article 17(27)  | The utilisation, alienation, or exchange for other land, of any part of any open space with the consent of the Secretary of State, where all or part of that open space is registered as common land or town or village green | The deed or other instrument by which the agreement so to dispose of the open space is made   | The London borough council so disposing of the open space                 |
| Countryside Act 1968(28), sections 6 and 9 and Schedule 2  | The taking of land out of registered common land, with the authority of the Secretary of State, for the   | The deed or other instrument (including, if applicable, any compulsory purchase   | The local authority (as defined in section 6(2) of the Act) authorised by |

(24) 1943 No.1. Section 13 was amended by section 48(2) of, and Part 2 of Schedule 7 to, the Charities Act 1960 (c. 58), and by the Church Property (Miscellaneous Provisions) Measures of 1960 (section 5), 1983 (section 1(1)) and 1992 (section 8(a)). Section 15 was amended by paragraph 5 of Schedule 4 to the Commons Act 2006 (c.26).

(25) 1965 c. 56.

(26) The Order was confirmed by the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix), and is contained in the Schedule to that Act. Article 12 was amended by paragraph 2(1), (2), (3) and (4) of Schedule 4, and Part 2 of Schedule 6, to the Commons Act 2006 (c.26).

(27) Article 17 was amended by paragraph 2(1), (5) and (6) of Schedule 4, and Part 2 of Schedule 6, to the Commons Act 2006.

(28) 1968 c. 41. Section 6 was amended by Schedule 30 to the Local Government Act 1972 (c. 70), by Schedule 17 to the Local Government Act 1985 (c.51), and by Schedule 24 to the Environment Act 1995 (c. 25). Schedule 2 was amended by paragraph 17 of Schedule 4 to the Acquisition of Land Act 1981 (c. 67), by paragraph 48(2) of Schedule 4 to the Telecommunications Act 1984 (c. 12), by paragraph 40(1) and (3) of Schedule 17 to the Communications Act 2003 (c. 21), and by paragraph 5 of Schedule 7 to the Planning and Compulsory Purchase Act 2004 (c. 5).

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|   | purpose of providing, or improving, opportunities for the enjoyment of the public  | order, or any agreement under which land is acquired) effecting the taking of the land   | the Secretary of State   |
| New Towns Act 1981(29), paragraph 13 of Schedule 4                              | The compulsory purchase of registered common land or of a registered town or village green   | The compulsory purchase order effecting that disposition, and any vesting declaration, and any deed made under the authority of that order, the 1981 Act and the Compulsory Purchase Act 1965 by which, as a consequence of the disposition, any right, trust or incident was discharged or any right acquired | The acquiring authority (as defined in section 80(1) of the Act) |
| Acquisition of Land Act 1981(30), section 19 and paragraph 6 of Schedule 3      | Either—<br>(a) the compulsory purchase of registered common land or of a registered town or village green (other than in a case certified by the Secretary of State under section 19(1) (aa) of the Act), or<br>(b) the compulsory acquisition of a right over land forming part of such registered common land or green (other than in a case certified by the Secretary of State under paragraph 6(1)(a) or (aa) of Schedule 3 to the Act) | The compulsory purchase order effecting that disposition, and any vesting declaration, and any deed made under the authority of that order, by which, as a consequence of the disposition, any right, trust or incident was discharged or any right acquired   | The acquiring authority (as defined in section 7(1) of the Act)  |
| Town and Country Planning Act 1990(31), section 229 (as read with section 19 of | The appropriation of land forming part of registered common land or of a town or village green   | The order authorising the appropriation made by the local authority and confirmed by the Secretary of State  | The local authority authorised by the order                      |

(29) 1981 c. 64. Paragraph 13 of Schedule 4 was amended by S.I. 1985/442.

(30) 1981 c. 67. Section 19 was amended by paragraph 12(1) of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). Paragraph 6 of Schedule 3 was amended by paragraph 12(2) of Schedule 15 to that Act.

(31) 1990 c. 8.

|                                   |  |  |  |
|-----------------------------------|--|--|--|
| the Acquisition of Land Act 1981) |  |  |  |
|-----------------------------------|--|--|--|

### **Applications under section 15(1): registration of town or village green**

9. An application under section 15(1) of the 2006 Act must—
- (a) include evidence that section 15(2), (3) or (4) of that Act applies to the land in respect of which registration is sought;
  - (b) contain a description of that land; and
  - (c) contain a description of the locality or the neighbourhood within a locality relied upon for the purposes of section 15(2)(a), (3)(a) or (4)(a), as applicable, by reference to—
    - (i) the name of any parish, electoral ward or other local administrative area with which it is coextensive;
    - (ii) the local geographical area within which it is situated; or
    - (iii) a map showing that locality or neighbourhood.

### **Applications under section 15(8): registration of land as town or village green by its owner**

10.—(1) An application under section 15(8) of the 2006 Act for the purpose of registering land owned by the applicant as a town or village green must—

- (a) include evidence that the applicant is the owner of the land in respect of which registration is sought;
- (b) contain a description of that land; and
- (c) show that any consents which are required under section 15(9) of the 2006 Act have been obtained.

(2) The application may include a description of the locality or the neighbourhood within a locality of which the inhabitants are to have the right to indulge in lawful sports and pastimes on the land, by reference to—

- (a) the name of any parish, electoral ward or other local administrative area with which it is coextensive;
- (b) the local geographical area within which it is situated; or
- (c) a map showing that locality or neighbourhood.

### **Applications under section 19(4)(b): amendment of a register of common land or town or village greens**

11. An application made under section 19(4)(b) of the 2006 Act must include—

- (a) a statement of the purpose (being one of those described in section 19(2) of the 2006 Act) for which the application is made;
- (b) the number of the register unit and, in so far as is relevant to the mistake or other matter in the register in respect of which the application seeks correction, the number of the rights section entry, in the register of common land or town or village greens to which the application relates;
- (c) evidence of the mistake or other matter in the register in respect of which the application seeks correction; and
- (d) a description of the amendment sought in the register of common land or town or village greens.

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### **Applications under paragraph 1(6)(b) of Schedule 1: severance of right of common by transfer to public body**

**12.—(1)** An application made under paragraph 1(6)(b) of Schedule 1 to the 2006 Act, for the purpose of registering a transferee as the owner of a right of common upon the severance of that right, may only be made by—

- (a) the body (being a body specified in paragraph 1(1)(a) to (c) of Schedule 1 to the 2006 Act) to which the right of common to be severed is to be transferred; or
- (b) any person who, by virtue of an order under paragraph 1(5) of that Schedule, is to be regarded as a commons council for the purpose of paragraph 1(1)(a), and to whom the right of common to be severed is to be transferred.

(2) The application must show that the owner of the land to which the right of common is attached consents to the application.

(3) The application must include—

- (a) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
- (b) a description of the land to which the right of common is attached and from which it is to be severed, and evidence of the ownership of that land;
- (c) in a case to which paragraph 1(2) of Schedule 1 to the 2006 Act applies, evidence that notice has been given in accordance with the requirements of—
  - (i) regulation 46; and
  - (ii) paragraph 1(2) and (3) of that Schedule; and
- (d) in a case to which paragraph 1(4) of that Schedule applies, evidence that the commons council (or the person who, by virtue of an order under paragraph 1(5) of that Schedule, is to be regarded as a commons council for the purpose of paragraph 1(4)) for the land in question consents to the transfer.

(4) Where it relates to only part of a right of common, the application must—

- (a) identify that part of the land to which it is attached; and
- (b) be accompanied by an application made for the purposes of section 8 of the 2006 Act.

### **Applications under paragraph 3(7)(b) of Schedule 1: severance of right of common by order**

**13.—(1)** An application made under paragraph 3(7)(b) of Schedule 1 to the 2006 Act, for the purpose of registering a transferee as the owner of a right of common upon the authorisation by order made under paragraph 3(1) of that Schedule of the severance of that right, may only be made by a person to whom the right of common to be severed is to be transferred, further to provision made by an order under paragraph 3(1) of that Schedule.

(2) The application must show that the owner of the land to which the right of common is attached consents to the application.

(3) The application must include—

- (a) the name and statutory instrument number of the order providing for the severance by transfer to which the application relates;
- (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
- (c) a description of the land to which the right of common is attached and from which it is to be severed, and evidence of the ownership of that land; and

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- (d) evidence that any requirement imposed by the provision in the order made under paragraph 3(1) of that Schedule and applicable to the transfer in question has been met.
- (4) Where it relates to only part of a right of common, the application must—
  - (a) identify that part of the land to which it is attached; and
  - (b) be accompanied by an application made for the purposes of section 8 of the 2006 Act.

### **Applications under Schedule 2: non-registration or mistaken registration**

**14.**—(1) An application made under Schedule 2 to the 2006 Act, for the purpose of remedying non-registration or mistaken registration under the 1965 Act, must be made on or before 31st December 2020.

(2) An application made under Schedule 2 to the 2006 Act must include a description of the land to which the application relates.

(3) In an application made under paragraph 2 or 3 of Schedule 2 to the 2006 Act, the land to which the application relates may only include land that is covered by a building or which is within the curtilage of a building if the owner of that land consents to its registration.

- (4) An application made under paragraph 2 of Schedule 2 to the 2006 Act must include—
  - (a) evidence of the application of that paragraph, as described in paragraph 2(2) of that Schedule, to the land to which the application relates;
  - (b) a copy of any enactment or scheme referred to in paragraph 2(2)(b) of that Schedule, by which the land to which the application relates is regulated, recognised or designated, or to which it is subject;
  - (c) evidence, if applicable, that any consent required under sub-paragraph (3) has been given.
- (5) An application made under paragraph 3 of Schedule 2 to the 2006 Act must include—
  - (a) evidence of the application of that paragraph, as described in paragraph 3(2) of that Schedule, to the land to which the application relates;
  - (b) a copy of any enactment by or under which the land was (and continues to be) allotted, including any award; and
  - (c) evidence, if applicable, that any consent required under sub-paragraph (3) has been given.

(6) An application made under paragraph 4, 5, 6, 7, 8 or 9 of Schedule 2 to the 2006 Act must include evidence of the application of the appropriate paragraph, as described in paragraph 4(2), 5(2), 6(2), 7(2), 8(2) or 9(2) of that Schedule, to the land to which the application relates.

### **Applications for the purposes of Schedule 3: creation of right of common**

**15.**—(1) An application to amend a register in consequence of the creation of a right of common which is a qualifying event by virtue of paragraph 2(2)(a) of Schedule 3 to the 2006 Act may only be made by—

- (a) the owner of any part of the land over which the right of common is exercisable,
  - (b) if the right of common is attached to land, the owner of any part of that land, or
  - (c) if the right of common is not attached to land, the owner of the right of common.
- (2) The application must include—
- (a) evidence of the applicant's capacity to make the application (as described in sub-paragraph (1));
  - (b) a description of the right of common to be registered;
  - (c) a description of the land over which the right of common is exercisable; and

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- (d) if the right of common is attached to land, a description of the land to which it is attached.
- (3) The application must be accompanied—
  - (a) where the right of common was created by an instrument in writing, by a copy of that instrument;
  - (b) in any other case, by evidence of the creation of the right.

### **Applications for the purposes of Schedule 3: surrender or extinguishment of right of common**

**16.**—(1) An application to amend a register in consequence of a surrender or extinguishment of a right of common which is a qualifying event by virtue of paragraph 2(2)(b) of Schedule 3 to the 2006 Act may only be made—

- (a) if the right of common was attached to land, by the current owner of any part of the land to which it was attached;
- (b) if the right of common was a right in gross, by the owner of the right immediately before it was surrendered or extinguished; or
- (c) (in either case) by the current owner of any part of the land over which the right of common was exercisable.
- (2) The application must include—
  - (a) evidence of the applicant's capacity to make the application (as described in subparagraph (1));
  - (b) the numbers of—
    - (i) the register unit; and
    - (ii) the entry in the rights section of that register unit,which are to be amended; and
  - (c) if the right of common was attached to land, a description of the land to which it was attached.
- (3) The application must be accompanied—
  - (a) where the right of common was surrendered or extinguished by an instrument in writing, by a copy of that instrument; and
  - (b) in any other case, by evidence of the extinguishment of the right.

### **Applications for the purposes of Schedule 3: variation of right of common**

**17.**—(1) An application to amend a register in consequence of a variation of a right of common which is a qualifying event by virtue of paragraph 2(2)(b) of Schedule 3 to the 2006 Act may only be made by—

- (a) the current owner of any part of the land over which the right of common was exercisable before its variation;
- (b) the owner of any part of the land over which the right of common is exercisable at the date of the application;
- (c) if the right of common is attached to land, the owner of the land to which it is attached; or
- (d) if the right of common is a right of common in gross, the owner of the right.
- (2) The application must include—
  - (a) evidence of the applicant's capacity to make the application (as described in subparagraph (1));

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- (b) the numbers of—
    - (i) the register unit, and
    - (ii) the entry in the rights section of that register unit, which are to be amended;
  - (c) a description of the variation to be recorded in the register; and
  - (d) if the right of common is attached to land, a description of the land to which it is attached.
- (3) The application must be accompanied—
- (a) if the variation was made by an instrument in writing, by a copy of that instrument;
  - (b) in any other case, by evidence of the variation.

### **Applications for the purposes of Schedule 3: apportionment of right of common**

**18.**—(1) An application to amend a register in consequence of an apportionment of a right of common which is attached to land, which is a qualifying event by virtue of paragraph 2(2)(b) of Schedule 3 to the 2006 Act, may only be made if—

- (a) part of the apportioned right of common has been—
    - (i) surrendered, extinguished or varied;
    - (ii) severed from the land to which it was attached; or
    - (iii) the subject of a disposition by virtue of any relevant instrument; and
  - (b) the application is made at the same time as an application (“the primary application”) to register, or to amend the register in consequence of that event.
- (2) The application may only be made by the person making the primary application.
- (3) The application must include—
- (a) the numbers of—
    - (i) the register unit, and
    - (ii) the entry in the rights section of that register unit, which are to be amended;
  - (b) a description of—
    - (i) the whole of the land to which the right of common was attached before its apportionment; and
    - (ii) the part of that land to which, following the apportionment, the part of the right of common which is the subject of the primary application was attached;
  - (c) the name and address of the owner of the land to which is attached the part of the right of common which is the subject of the primary application; and
  - (d) the applicant’s calculation as to how the right of common is apportioned between the part specified in sub-paragraph (3)(b)(ii) and the remainder of the land.
- (4) If the applicant claims that the right of common is apportioned otherwise than rateably between the constituent parts of the land to which it was attached, the application must—
- (a) explain the basis for that claim; and
  - (b) be accompanied—
    - (i) if the apportionment was effected by an instrument in writing, by a copy of that instrument; and

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(ii) in any other case, by evidence that the right has been apportioned otherwise than rateably.

(5) In sub-paragraph (1), “disposition” and “relevant instrument” have the meanings given in paragraph 21(3).

### **Applications for the purposes of Schedule 3: severance of right of common**

**19.**—(1) An application to amend a register in consequence of the severance of a right of common from land to which it was attached, which is a qualifying event by virtue of paragraph 2(2)(b) of Schedule 3 to the 2006 Act, may only be made by—

- (a) the person to whom the right of common was transferred upon being severed;
- (b) the owner of the right of common at the date of the application; or
- (c) the owner of land to which the right of common is registered as being attached.

(2) The application must include—

- (a) evidence of the applicant’s capacity to make the application (as described in sub-paragraph (1));
- (b) the numbers of—
  - (i) the register unit, and
  - (ii) the entry in the rights section of that register unit,which are to be amended; and
- (c) a description of the land to which the right of common was attached, and evidence of the ownership of that land at the time of the severance of the right of common.

(3) The application must include or be accompanied by—

- (a) the written instrument (if any) which the applicant claims has effected the severance of the right of common; and
- (b) if there is no such instrument, or if that instrument does not express an unambiguous common intention by the parties to it that the right of common should be severed—
  - (i) other documentary evidence, contemporaneous to the time at which the applicant claims that the right of common was severed, of a common intention by the transferor and transferee of the right of common that it was to be severed; or
  - (ii) evidence that the right of common has subsequently been treated as severed.

### **Applications for the purposes of Schedule 3: transfer of right in gross**

**20.**—(1) An application to amend a register in consequence of the transfer of a right of common in gross, which is a qualifying event by virtue of paragraph 2(2)(b) of Schedule 3 to the 2006 Act, may only be made by—

- (a) the person registered as the owner of the right of common; or
- (b) the owner of the right of common at the date of the application.

(2) The application must include—

- (a) evidence of the applicant’s capacity to make the application (as described in sub-paragraph (1)); and
- (b) the numbers of—
  - (i) the register unit, and
  - (ii) the entry in the rights section of that register unit,



which are to be amended.

(3) The application must be accompanied by a copy of the instrument in writing by which the right of common was transferred to the person who is its owner at the date of the application.

### **Applications for the purposes of Schedule 3: statutory dispositions**

- 21.**—(1) An application may be made by any person to amend a register in consequence of—
- (a) a disposition by virtue of any relevant instrument, which is a qualifying event by virtue of paragraph 2(2)(c) of Schedule 3 to the 2006 Act; or
  - (b) the giving of land in exchange for any land subject to such a disposition, which is a qualifying event by virtue of paragraph 2(2)(d) of Schedule 3 to the 2006 Act.
- (2) The application must include—
- (a) a copy of—
    - (i) the relevant instrument effecting the disposition or exchange; and
    - (ii) any consent, authorisation, approval or certificate given for the purposes of that relevant instrument;
  - (b) if applicable, the numbers of—
    - (i) the register unit, and
    - (ii) the entry in the rights section of that register unit,which are to be amended; and
  - (c) a description of the amendment to be made to the register.
- (3) In sub-paragraphs (1) and (2)—
- (a) “disposition” means a disposition made under or pursuant to an enactment listed in column 1 of the table in paragraph 8 or a predecessor enactment, which is described in the corresponding entry in column 2 of that table; and
  - (b) “relevant instrument” means any such instrument (as defined in paragraph 2(4) of Schedule 3 to the 2006 Act) made under or pursuant to an enactment listed in column 1 of the table in paragraph 8 or a predecessor enactment, which is described in the corresponding entry in column 3.
- (4) In sub-paragraph (3), a “predecessor enactment” means a repealed or revoked enactment which has been substantially re-enacted by an enactment listed in column 1 of the table in paragraph 8.

## SCHEDULE 5

Regulation 17

### Application fees

1. Subject to paragraph 2, the fee that must accompany an application made under, or for the purposes of, a provision listed in column 1 of the following table is the fee (if any) specified in the corresponding entry in column 3 of the table.

2. Where—

- (a) an application made for the purposes of section 8 of the 2006 Act accompanies a primary application within the meaning given by paragraph 3(1) of Schedule 4, or

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- (b) an application made for the purposes of paragraph 2 or 4 of Schedule 3 to the 2006 Act to amend a register in consequence of an apportionment of a right of common accompanies a primary application within the meaning given by paragraph 18(1) of Schedule 4,

the fee specified for that application is payable in addition to the fee specified for the primary application.

**3.** The registration authority to which an application is made may substitute a different amount (including different amounts for applications made under or pursuant to different provisions) for an amount for the time being specified in column 3 of the table, but may not charge any fee if “no fee” is specified in column 3.

**4.** In determining any such different amount the registration authority must have regard to its costs in dealing with applications of the type in question, but in no case may such a substituted different amount exceed £1,000.

**5.** Any different amount of fee payable on an application that is specified by a registration authority under paragraph 3 must be published on its website not less than 14 days before such different amount is to take effect.

| <i>Column 1</i>   | <i>Column 2</i>   | <i>Column 3</i>        |
|---|---|------------------------|
| <i>Provision under, or for the purposes of which, the application is made</i> | <i>Purpose of application</i>   | <i>Application fee</i> |
| regulation 44   | declaration of entitlement to exercise a right of common  | £25                    |
| section 6 of the 2006 Act   | creation of a right of common resulting in the registration of new common land  | no fee                 |
| section 6 of the 2006 Act   | creation of a right of common over existing common land   | £100                   |
| section 7 of the 2006 Act   | variation of a right of common  | £100                   |
| section 8 of the 2006 Act   | apportionment of a right of common  | £100                   |
| section 10 of the 2006 Act  | attachment of a right of common   | no fee                 |
| section 11 of the 2006 Act  | re-allocation of attached rights  | £100                   |
| section 12 of the 2006 Act  | transfer of a right in gross  | £40                    |
| section 13 of the 2006 Act  | surrender or extinguishment of a right of common  | £80                    |
| Schedule 4, paragraph 8   | statutory disposition pursuant to section 14 of the 2006 Act (including the exchange of land for land subject to a statutory disposition) | £150                   |

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|  |   |        |
|--|---|--------|
| section 15(1) of the 2006 Act  | registration of a new town or village green other than by the owner                               | no fee |
| section 15(8) of the 2006 Act  | registration of a new town or village green by the owner  | no fee |
| section 19 of the 2006 Act   | correction, for the purpose of section 19(2)(a) (of a mistake made by the registration authority) | no fee |
| section 19 of the 2006 Act   | correction, for a purpose described in section 19(2)(b), (c) or (e)                               | £100   |
| section 19 of the 2006 Act   | correction, for a purpose described in section 19(2)(d)   | £15    |
| Schedule 1, paragraph 1(6)(b), to the 2006 Act   | severance by transfer to public bodies  | £80    |
| Schedule 1, paragraph 3(7)(b), to the 2006 Act   | severance authorised by order   | £80    |
| Schedule 2, paragraph 2 or 3, to the 2006 Act  | non-registration of common land or town or village green  | no fee |
| Schedule 2, paragraph 4, to the 2006 Act   | waste land of a manor not registered as common land   | no fee |
| Schedule 2, paragraph 5, to the 2006 Act   | town or village green wrongly registered as common land   | no fee |
| Schedule 2, paragraphs 6 – 9, to the 2006 Act  | deregistration of certain land registered as common land or as a town or village green            | £600   |
| Schedule 3, paragraph 2, to the 2006 Act: application made during the transitional application period                | for any purpose listed below  | no fee |
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | creation of a right of common   | £190   |
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | surrender or extinguishment of a right of common  | £100   |
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | variation of a right of common  | £180   |

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|  |  |      |
|--|--|------|
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | apportionment of a right of common (to facilitate any other purpose)                               | £160 |
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | severance of a right of common   | £100 |
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | transfer of a right in gross   | £100 |
| Schedule 3, paragraph 2 or 4, to the 2006 Act: application made after the end of the transitional application period | statutory disposition (including the exchange of land for land subject to a statutory disposition) | £180 |

## SCHEDULE 6

Regulation 22

### Persons on whom applicant must serve notice of an application

**1.** In all cases—

- (a) any person who has made a declaration, duly recorded in the register, of entitlement to a right of common over any land comprising the whole or part of the register unit to which the application relates;
- (b) any commons council established for, or other body representing the interests of persons with rights of common over, land which includes the land to which the application relates; and
- (c) unless the registration authority directs otherwise pursuant to regulation 22(2), any person who is registered as the owner of a right of common in gross which is exercisable over all or part of the land to which the application relates.

**2.** Additionally, in the case of an application of a type specified in the first column of the following table, all the persons (other than the applicant) specified in the corresponding entry in the second column.

### Additional persons on whom applicant must serve notice of application

| <i>Type of application</i>   | <i>Persons on whom notice of application must be served</i>   |
|--|---|
| Application—<br>(a) under section 6 of the 2006 Act, to register the creation of a right of common; or<br>(b) for the purposes of Schedule 3 to the 2006 Act, to amend a register in consequence of the creation of a right of common. | <ol style="list-style-type: none"> <li>1. The owner of the land over which the right of common is or will be exercisable.</li> <li>2. The owner of the land to which the right of common is or will be attached, or the owner of the right of common in gross, as the case may be.</li> </ol> |

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| <i>Type of application</i>  | <i>Persons on whom notice of application must be served</i>   |
|---|---|
| <p>Application—</p> <p>(a) under section 7 of the 2006 Act, to register the variation of a right of common; or</p> <p>(b) for the purposes of Schedule 3 to the 2006 Act, to amend a register in consequence of the variation of a right of common.</p>                           | <ol style="list-style-type: none"> <li>1. The owner of the land over which the right of common is or was exercisable prior to the variation of the right.</li> <li>2. The owner (if different) of any land over which the right of common became or is to become exercisable in consequence of the variation.</li> <li>3. The owner of the land to which the right of common is attached, or the owner of the right of common in gross (as the case may be).</li> </ol> |
| <p>Application for the purposes of—</p> <p>(a) section 8 of the 2006 Act, or</p> <p>(b) Schedule 3 to the 2006 Act,</p> <p>to amend a register in consequence of the apportionment of a right of common which is attached to land.</p>  | <ol style="list-style-type: none"> <li>1. Any person also required, in the case of a “primary application” within the meaning given by paragraph 3 or 18 of Schedule 4 to these Regulations, to be notified under the entry in this table relating to that primary application.</li> <li>2. The owner of any land to which the right of common is attached.</li> </ol>  |
| <p>Application under section 10 of the 2006 Act, to register a right of common as attached to land.</p>   | <ol style="list-style-type: none"> <li>1. Any person who is entitled to occupy the land to which the right of common is to be attached.</li> <li>2. The owner of the land over which the right of common is exercisable.</li> </ol>   |
| <p>Application under section 11 of the 2006 Act, to amend a register to re-allocate a right of common which is registered as attached to land.</p>  | <ol style="list-style-type: none"> <li>1. The owner of the land over which the right of common is exercisable.</li> <li>2. In relation to an application to which section 11(4) of the 2006 Act applies, the authority authorised to effect the compulsory purchase of the relevant part of the land.</li> </ol>  |
| <p>Application—</p> <p>(a) under section 12 of the 2006 Act, to register a transferee as owner of a right of common in gross; or</p> <p>(b) for the purposes of Schedule 3 to the 2006 Act, to amend a register in consequence of the transfer of a right of common in gross.</p> | <ol style="list-style-type: none"> <li>1. The registered owner of the right of common in gross.</li> <li>2. The transferee or current owner of that right.</li> </ol>   |
| <p>Application—</p> <p>(a) under section 13 of the 2006 Act, to amend a register upon the surrender of a right of common; or</p> <p>(b) for the purposes of Schedule 3 to the 2006 Act, to amend a register</p>   | <ol style="list-style-type: none"> <li>1. The owner of the land to which the right of common is or was attached, or the owner of the right of common in gross (as the case may be).</li> <li>2. The owner of the land over which the right of common is or was exercisable.</li> </ol>  |

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|  |  |
|--|--|
| in consequence of the surrender or extinguishment of a right of common.  |  |
| Application—<br>(a) under section 14 of the 2006 Act, and paragraph 8 of Schedule 4 to these Regulations, or<br>(b) for the purposes of Schedule 3 to the 2006 Act,<br><br>to amend a register in consequence of a statutory disposition.  | The owner of any land affected by the application.   |
| Application under section 15(1) or (8) of the 2006 Act, to register land as a town or village green.   | 1. The owner of the land.<br>2. Any occupier or lessee of the land.<br>3. Any local authority (other than the registration authority) in whose area any part of the land to which the application relates is situated. |
| Application under section 19 of the 2006 Act, to correct a register.   | The owner of any land affected by the application.   |
| Application—<br>(a) under Schedule 1 to the 2006 Act, to register a transfer severing a right of common from the land to which it is attached; or<br>(b) for the purposes of Schedule 3 to the 2006 Act, to amend a register in consequence of a transfer which severed a right of common. | The owner of the land over which the right of common is exercisable.   |
| Application under Schedule 2 to the 2006 Act, to register land not registered, or to deregister land mistakenly registered, under the 1965 Act.  | 1. The owner of the land to which the application relates.<br>2. Any occupier or lessee of that land.  |

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about the registration of common land and town or village greens under Part 1 of the Commons Act 2006 (c.26).

They come into force on 1st October 2008 and apply to the registration areas (as defined in regulation 2) of the commons registration authorities in England specified in Schedule 1. The relevant provisions of Part 1 of the 2006 Act are to be commenced on 1st October 2008 in those areas as a pilot scheme.

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Part 1 contains preliminary provisions including a power for the Secretary of State to appoint the Planning Inspectorate and its inspectors as eligible to administer and determine applications to, or proposals by, a commons registration authority for the amendment of its registers (regulation 4).

Part 2 makes provision about the registers to be kept by commons registration authorities. Authorities will continue to keep the registers which they have maintained under the Commons Registration Act 1965, and Part 2 contains provisions similar to those previously contained in the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).

Part 3 contains provisions about the making, management and determination of applications and proposals to amend the registers, including provision for the holding of public inquiries in appropriate cases. It specifies the cases in which applications and proposals must be referred to the Planning Inspectorate for determination; these include certain particular types of applications and proposals, and cases where the commons registration authority has a prejudicial conflict of interest (regulation 27).

Part 4 makes provision about a transitional period for updating the registers, during which commons registration authorities are required to review their registers and consider whether to make proposals to amend them in consequence of qualifying events which have taken place since the registers were drawn up under the 1965 Act and which have not previously been registered. Provision is also made for applications to be made to commons registration authorities to amend the registers in consequence of such events.

Part 5 contains miscellaneous provisions including a new power for the owner or occupier of land to which a right of common is attached to apply to enter in the register a declaration of entitlement to their right (regulation 44).

Part 6 contains supplementary provisions.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at [www.defra.gov.uk](http://www.defra.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 18(1)(b) words substituted by [S.I. 2009/2018 reg. 2\(j\)](#)
- Sch. 6 para. 2 Table words omitted by [S.I. 2009/2018 reg. 2\(k\)](#)
- Regulations revoked by [S.I. 2014/3038 reg. 54\(1\)\(a\)](#)
- reg. 7(3) Table words inserted by [S.I. 2009/2018 reg. 2\(a\)](#)
- reg. 9(8)(a) words substituted by [S.I. 2009/2018 reg. 2\(b\)](#)
- reg. 9(9)(a) words substituted by [S.I. 2009/2018 reg. 2\(b\)](#)
- reg. 18(3) words substituted by [S.I. 2009/2018 reg. 2\(c\)](#)
- reg. 21(2)(a) words substituted by [S.I. 2009/2018 reg. 2\(d\)](#)
- reg. 26(4) words inserted by [S.I. 2009/2018 reg. 2\(e\)](#)
- reg. 27(3)(c) words omitted by [S.I. 2009/2018 reg. 2\(f\)](#)
- reg. 39(1) words substituted by [S.I. 2009/2018 reg. 2\(g\)\(i\)](#)
- reg. 39(3) words substituted by [S.I. 2009/2018 reg. 2\(g\)\(ii\)](#)
- reg. 41 words substituted by [S.I. 2009/2018 reg. 2\(h\)](#)
- reg. 42(1)(a)(ii) words inserted by [S.I. 2009/2018 reg. 2\(i\)](#)