
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 1

Preliminary

Title, commencement and application

1.—(1) These Regulations—

- (a) may be cited as the Commons Registration (England) Regulations 2014; and
- (b) come into force on 15th December 2014.

(2) These Regulations apply in relation to the registration areas in England, as at 15th December 2014, of the registration authorities specified in Schedule 1.

(3) To the extent, and subject to the modifications, described in Schedule 8, these Regulations also apply in relation to the registration areas in England, as at 15th December 2014, of any 1965 registration authority where there is an application to that authority to amend its register of common land or its register of town or village greens under—

- (a) section 19 of the 2006 Act, for the purpose given in section 19(2)(a) (correcting a mistake made by the registration authority in making or amending an entry in the register); or
- (b) Schedule 2 to the 2006 Act (non-registration or mistaken registration under the 1965 Act), paragraph 6, 7, 8 or 9.

Interpretation

2.—(1) In these Regulations—

“the 1965 Act” means the Commons Registration Act 1965⁽¹⁾;

“1965 registration authority” means a registration authority in England which is neither an original registration authority nor a 2014 registration authority;

“the 2006 Act” means the Commons Act 2006;

“2014 registration authority” means the commons registration authority of Cumbria County Council or North Yorkshire County Council;

“application”, except in regulation 48, means an application to a registration authority under Part 1 of the 2006 Act or under these Regulations to amend its register of common land or its register of town or village greens;

“determining authority” means—

- (a) the Planning Inspectorate, in relation to an application or proposal which has been referred to it pursuant to regulation 26(2); or

(b) in relation to any other application or proposal, the registration authority which is required to determine it in accordance with regulation 26(1);

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);

“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 brown in the three volumes of maps, each entitled “Moorland Map of England 2009” and marked with the number of the volume, dated 29th January 2010, 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 Nobel House, 17 Smith Square, London SW1P 2AL;

“original registration authority” means any commons registration authority listed in Schedule 1 which is not a 2014 registration authority;

“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(3);

“proposal”, except in regulation 45(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” means, in relation to an application or proposal which has been referred to the Planning Inspectorate pursuant to regulation 26(2), the registration authority which referred it;

“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;

“register unit” means, in respect of any land registered in the register of common land or of town or village greens, the sum of that land’s registration in the land section and the rights section of the register and, if the registration was made under regulations under the 1965 Act, the ownership section of that register;

(2) 2000 c. 7; the definition of “electronic communication” was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

(3) 1990 c. 8.

“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;

“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 38(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].

(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).

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