

Status: Point in time view as at 01/10/2008.

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 23

REGISTRATION: TRANSITIONAL PROVISION

Interpretation

1 In this Schedule “the 1965 Act” means the Commons Registration Act 1965 (c. 64).

Commencement Information

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

Transitional period for updating registers

- 2 (1) Regulations may make provision for commons registration authorities, during a period specified in the regulations (“the transitional period”), to amend their registers of common land and town or village greens in consequence of qualifying events which were not registered under the 1965 Act.
- (2) The following are qualifying events for the purposes of this Schedule—
- (a) the creation of a right of common (by any means, including prescription), where occurring in relation to land to which this Part applies at any time—
 - (i) after 2 January 1970; and
 - (ii) before the commencement of this paragraph;
 - (b) any relevant disposition in relation to a right of common registered under the 1965 Act, or any extinguishment of such a right, where occurring at any time—
 - (i) after the date of the registration of the right under that Act; and
 - (ii) before the commencement of this paragraph;
 - (c) a disposition occurring before the commencement of this paragraph by virtue of any relevant instrument in relation to land which at the time of the disposition was registered as common land or a town or village green under the 1965 Act;
 - (d) the giving of land in exchange for any land subject to a disposition referred to in paragraph (c).
- (3) In sub-paragraph (2)(b) “relevant disposition” means—
- (a) the surrender of a right of common;
 - (b) the variation of a right of common;
 - (c) in the case of a right of common attached to land, the apportionment or severance of the right;
 - (d) in the case of a right not attached to land, the transfer of the right.

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- (4) In sub-paragraph (2)(c) “relevant instrument” means—
- (a) any order, deed or other instrument made under or pursuant to the Acquisition of Land Act 1981 (c. 67);
 - (b) a conveyance made for the purposes of section 13 of the New Parishes Measure 1943 (No. 1);
 - (c) any other instrument made under or pursuant to any enactment.
- (5) Regulations under this paragraph may include provision for commons registration authorities to amend their registers as specified in sub-paragraph (1)—
- (a) on the application of a person specified in the regulations; or
 - (b) on their own initiative.
- (6) Regulations under sub-paragraph (5)(b) may include provision requiring a commons registration authority to take steps to discover information relating to qualifying events, including in particular requiring an authority to—
- (a) carry out a review of information already contained in a register of common land or town or village greens;
 - (b) publicise the review;
 - (c) invite persons to supply information for, or to apply for amendment of, the register.

Commencement Information

- I2** Sch. 3 para. 2 partly in force; Sch. 3 para. 2 not in force at Royal Assent see s. 56(1); Sch. 3 para. 2(1)(5)(6) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I3** Sch. 3 para. 2 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

- 3 At the end of the transitional period, any right of common which—
- (a) is not registered in a register of common land or town or village greens, but
 - (b) was capable of being so registered under paragraph 2,
- is by virtue of this paragraph at that time extinguished.

Commencement Information

- I4** Sch. 3 para. 3 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

- 4 (1) Regulations may make provision for commons registration authorities to amend their registers of common land or town or village greens after the end of the transitional period, in circumstances specified in the regulations, in consequence of qualifying events.
- (2) Regulations under this paragraph may provide that paragraph 3 is to be treated as not having applied to any right of common which is registered pursuant to the regulations.

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- I5** Sch. 3 para. 4 partly in force; Sch. 3 para. 4 not in force at Royal Assent see s. 56(1); Sch. 3 para. 4 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I6** Sch. 3 para. 4 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

- 5 Regulations under paragraph 2 or 4 may in particular include provision as to what is or is not to be regarded as severance of a right of common for the purposes of those regulations.

Commencement Information

- I7** Sch. 3 para. 5 partly in force; Sch. 3 para. 5 not in force at Royal Assent see s. 56(1); Sch. 3 para. 5 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I8** Sch. 3 para. 5 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

Effect of repeals

- 6 The repeal by this Act of section 1(2)(b) of the 1965 Act does not affect the extinguishment of rights of common occurring by virtue of that provision.

Commencement Information

- I9** Sch. 3 para. 6 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

- 7 The repeal by this Act of section 21(1) of the 1965 Act does not affect the application of section 193 of the Law of Property Act 1925 (c. 20) in relation to any land.

Commencement Information

- I10** Sch. 3 para. 7 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), Sch. (with art. 3)

Ownership of common land or town or village green

- 8 (1) Where the ownership of any land is registered in any register under the 1965 Act immediately before the commencement of this Schedule the ownership shall, subject to this Part, continue to be registered in that register.⁴⁴
- (2) Where the ownership of land continues to be registered in a register of common land or town or village greens pursuant to sub-paragraph (1), if the commons registration authority is notified by the Chief Land Registrar that the land has been registered in the register of title, the authority shall—
- remove the registration of ownership; and
 - indicate in the register in such manner as may be specified in regulations that the land has been registered in the register of title.

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- (3) Regulations may require commons registration authorities—
- (a) to remove registration of ownership of land from their registers of common land and town or village greens;
 - (b) to keep or otherwise deal with documents received by them in connection with the registration of ownership of land in such manner as the regulations may specify.

Commencement Information

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

Vesting of unclaimed land

- 9 (1) The repeal by this Act of section 8 of the 1965 Act does not affect the vesting of land in any local authority (within the meaning of that Act) occurring by virtue of that provision.
- (2) Unless land so vesting is regulated by a scheme under the Commons Act 1899 (c. 30), sections 10 and 15 of the Open Spaces Act 1906 (c. 25) (power to manage and make byelaws) shall continue to apply to it as if the local authority had acquired the ownership under that Act of 1906.

Commencement Information

- I13** Sch. 3 para. 9 wholly in force at 6.9.2007; Sch. 3 para. 9 not in force at Royal Assent, see s. 56(1); Sch. 3 para. 9 in force for E. at 1.10.2006 by S.I. 2006/2504, art. 2(e); Sch. 3 para. 9 in force for W. at 6.9.2007 by S.I. 2007/2386, art. 3

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