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## STATUTORY INSTRUMENTS

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# 2008 No. 1961

## The Commons Registration (England) Regulations 2008

### 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<sup>(1)</sup>;
  - “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;
  - “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<sup>(2)</sup>;
  - “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;

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<sup>(1)</sup> 1965 c. 64.

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

“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(3);

“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;

“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—

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(3) 1990 c. 8.

## 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).

**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.

[View outstanding changes](#)

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

- Regulations revoked by [S.I. 2014/3038 reg. 54\(1\)\(a\)](#)