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STATUTORY INSTRUMENTS

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**2008 No. 1961**

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

**PART 5**

Miscellaneous

**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>(1)</sup> or under the Metropolitan Commons Acts 1866 to 1898<sup>(2)</sup>;
- (b) a local Act regulating the land;
- (c) an order of regulation made under the Commons Act 1876<sup>(3)</sup> and confirmed by a Provisional Order Confirmation Act;
- (d) a declaration made by deed under subsection (2) of section 193 of the Law of Property Act 1925<sup>(4)</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;

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(1) 1899 c. 30.

(2) 1866 c. 122, 1869 c. 107, 1878 c. 71, and 1898 c. 43.

(3) 1876 c. 56.

(4) 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).

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(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.

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

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