
WELSH STATUTORY INSTRUMENTS

2012 No. 738

The Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012.

(2) These Regulations come into force on 1 April 2012.

(3) These Regulations apply in relation to Wales.

Scope and interpretation

2.—(1) These Regulations apply to applications to the Welsh Ministers under section 16 of the 2006 Act for the deregistration, or the deregistration and exchange, of land registered as common land or as a town or village green.

(2) In these Regulations—

“the 2006 Act” (*“Deddf 2006”*) means the Commons Act 2006;

“the determining authority” (*“yr awdurdod sy'n penderfynu”*) means—

- (a) the Welsh Ministers, where they are exercising functions in relation to the determination of an application under section 16 of the 2006 Act; or
- (b) a person who is exercising functions in relation to the determination of such an application pursuant to an appointment under regulation 3(1) (other than an inspector who is appointed to carry out a hearing, inquiry or site inspection but not to determine an application);

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

“inspector” (*“arolygydd”*) means—

- (a) where the Welsh Ministers are the determining authority, a person appointed by the Welsh Ministers to carry out a hearing, inquiry or site inspection; or
- (b) where another person is the determining authority, the person who conducts a hearing, inquiry or site inspection;

“notice of application” (*“hysbysiad o gais”*) means a notice containing the details specified in regulation 7(2);

(1) 2000 c. 7. The definition of “electronic communication” was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

“register” (“*cofrestr*”) means a register of common land or a register of town or village greens, and “registered” (“*cofrestredig*”) and “registration” (“*cofrestriad*”) are to be interpreted accordingly.

Appointment of person to exercise functions of Welsh Ministers

3.—(1) The Welsh Ministers may appoint a person to exercise all or any of their functions in relation to—

- (a) applications under section 16 of the 2006 Act generally; or
- (b) one or more particular applications under that section.

(2) An appointment under paragraph (1) must be in writing.

(3) The Welsh Ministers may at any time, by giving notice in writing to a person appointed under paragraph (1) (“an appointed person”)—

- (a) revoke the appointment generally;
- (b) revoke the appointment insofar as it relates to a particular application which has not been determined by the appointed person before that time; or
- (c) revoke the authority of the appointed person to exercise a particular function in relation to an application.

(4) A notice under paragraph (3) will not affect the validity of anything done by the appointed person before the notice is given.

Electronic communication

4. Any requirement imposed 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) the other person consents to the notice or document being sent by those means.