



Commons Act 2006

2006 CHAPTER 26

PART 1

REGISTRATION

Registration, deregistration and exchange of land

17 Deregistration and exchange: orders

- (1) Where the appropriate national authority grants an application under section 16 it must make an order requiring the commons registration authority to remove the release land from its register of common land or town or village greens.
- (2) Where the application included a proposal to register replacement land, the order shall also require the commons registration authority—
 - (a) to register the replacement land as common land or as a town or village green in place of the release land; and
 - (b) to register as exercisable over the replacement land any rights of common which, immediately before the relevant date, are registered as exercisable over the release land.
- (3) A commons registration authority must take such other steps on receiving an order under this section as regulations may require.
- (4) Where immediately before the relevant date any rights of common are registered as exercisable over the release land, those rights are on that date extinguished in relation to that land.
- (5) Where immediately before the relevant date any rights are exercisable over the release land by virtue of its being, or being part of, a town or village green—
 - (a) those rights are extinguished on that date in respect of the release land; and
 - (b) where any replacement land is registered in its place, those rights shall become exercisable as from that date over the replacement land instead.

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 17. (See end of Document for details)

- (6) Where immediately before the relevant date the release land was registered as common land and any relevant provision applied in relation to it—
- (a) the provision shall on that date cease to apply to the release land; and
 - (b) where any replacement land is registered in its place, the provision shall on that date apply to the replacement land instead.
- (7) An order under this section may contain—
- (a) provision disapplying the effect of subsection (5)(b) or (6)(b) in relation to any replacement land;
 - (b) supplementary provision as to the effect in relation to any replacement land of—
 - (i) any rights exercisable over the release land by virtue of its being, or being part of, a town or village green;
 - (ii) any relevant provision;
 - (c) supplementary provision as to the effect in relation to the release land or any replacement land of any local or personal Act.
- (8) In subsections (6) and (7) “relevant provision” means a provision contained in, or made under—
- (a) section 193 of the Law of Property Act 1925 (c. 20);
 - (b) a scheme under the Metropolitan Commons Act 1866 (c. 122);
 - (c) an Act under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners;
 - (d) a scheme under the Commons Act 1899 (c. 30);
 - (e) section 1 of the Commons Act 1908 (c. 44).
- (9) In this section, “relevant date” means the date on which the commons registration authority amends its register as required under subsections (1) and (2).
- (10) Regulations may make provision for the publication of an order under this section.

Commencement Information

- I1** S. 17 partly in force; s. 17 not in force at Royal Assent see s. 56(1); s. 17(3)(10) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386, art. 2](#); s. 17 in force for E. at 1.10.2007 by [S.I. 2007/2584, art. 2](#) (with [art. 3](#))
- I2** S. 17(1) (2) s. 17(4)-(9) in force at 1.4.2012 for W. by [S.I. 2012/739, art. 2\(b\)](#) (with [art. 4\(1\)](#))
- I3** S. 17(3)(10) in force at 1.4.2012 for W. in so far as not already in force by [S.I. 2012/739, art. 3\(a\)](#) (with [art. 4\(1\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Commons Act 2006, Section 17.