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WELSH STATUTORY INSTRUMENTS

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**2017 No. 566**

**The Commons Act 2006 (Correction, Non-Registration  
or Mistaken Registration) (Wales) Regulations 2017**

**PART 1**

**Preliminary**

**Title, commencement and application**

**1.**—(1) The title of these Regulations is the Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017.

(2) These Regulations come into force on 5 May 2017.

(3) These Regulations apply in relation to Wales.

**Interpretation**

**2.**—(1) In these Regulations—

“the 1965 Act” (“*Deddf 1965*”) means the Commons Registration Act 1965<sup>(1)</sup>;

“the 1966 Regulations” (“*Rheoliadau 1966*”) means the Commons Registration (General) Regulations 1966<sup>(2)</sup>;

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

“application” (“*cais*”) means an application to a registration authority under section 19 of, or Schedule 2 to, the 2006 Act or under these Regulations to amend its register;

“appointed person” (“*person penodedig*”) means a person or persons appointed in accordance with regulation 4;

“commons council” (“*cyngor tiroedd comin*”) means a body established by Order under section 26 of the 2006 Act;

“the determining authority” (“*yr awdurdod sy’n dyfarnu*”) means—

(a) the appointed person in relation to an application or proposal which has been referred to such person pursuant to regulation 15(2); or

(b) in relation to any other application or proposal, the registration authority which is required to determine the application or proposal in accordance with regulation 15(1);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(3)</sup>;

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(1) 1965 c. 64.

(2) S.I. 1966/1471.

(3) 2000 c. 7. The definition of “electronic communication” was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

“inspector” (“*arolygydd*”), 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” (“*awdurdod lleol*”) means—

- (a) a county council;
- (b) a county borough council;
- (c) a community council; or
- (d) a National Park authority;

“notice of application” (“*hysbysiad o gais*”) means a notice containing the details specified in regulation 12(1);

“proposal” (“*cynnig*”) means a proposal by a registration authority to amend a register on its own initiative pursuant to—

- (a) section 19 of the 2006 Act; or
- (b) Schedule 2 to the 2006 Act;

“referring authority” (“*yr awdurdod sy’n cyfeirio*”) means, in relation to an application or proposal which has been referred to an appointed person pursuant to regulation 15(2), the registration authority which referred it;

“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;

“registered land” (“*tir wedi ei gofrestru*”) means land registered as common land or as a town or village green;

“register unit” (“*uned gofrestr*”) means, in respect of any land registered in a register, the sum of that land’s registration in the land section and the rights section of the register and, if the registration was made under regulations under the 1965 Act, the ownership section of that register;

“registration authority” (“*awdurdod cofrestru*”) means a commons registration authority.

- (2) These Regulations apply in relation to any application or proposal.

### **Amendment to register**

**3.—**(1) An amendment made to a register pursuant to the determination of an application or proposal must be made in the appropriate section of the register unit relating to that land.

(2) A registration authority must, when amending the register (including the registration or removal of registered land and an amendment to a registration), follow as closely as possible the format of the register, with such variations and adaptations as the circumstances may require.

(3) Following the determination of an application or proposal the registration authority must stamp every sheet forming part of the determination.

### **Appointment of persons to discharge functions of a registration authority**

**4.—**(1) The Welsh Ministers may appoint—

- (a) persons (“an appointed person”) 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 an appointed person in accordance with these Regulations; and
- (b) any person who is employed or otherwise engaged as one of the inspectors of the appointed person, or is employed on its staff, as eligible to—

- (i) determine an application or proposal which a registration authority has referred to the appointed person 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).
- (2) An appointment under paragraph (1) must be in writing.
- (3) The Welsh Ministers may at any time, by giving notice in writing to an appointed person—
  - (a) revoke the appointment generally;
  - (b) revoke the appointment insofar as it relates to a particular application or proposal 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 or proposal.
- (4) A notice under paragraph (3) will not affect the validity of anything done by the appointed person before the notice is given.