



Commons Registration Act 1965

1965 CHAPTER 64

[^{F1}16] **Disregard of certain interruptions in prescriptive claims to rights of common.**

- (1) Where during any period a right of common claimed over any land was not exercised, but during the whole or part of that period either—
 - (a) the land was requisitioned; or
 - (b) where the right claimed is a right to graze animals, the right could not be or was not exercised for reasons of animal health;that period or part shall be left out of account, both—
 - (i) in determining for the purposes of the ^{M1}Prescription Act 1832 whether there was an interruption within the meaning of that Act of the actual enjoyment of the right; and
 - (ii) in computing the period of thirty or sixty years mentioned in section 1 of that Act.
- (2) For the purposes of the said Act any objection under this Act to the registration of a right of common shall be deemed to be such a suit or action as is referred to in section 4 of that Act.
- (3) In this section “requisitioned” means in the possession of a Government department in the exercise or purported exercise of powers conferred by regulations made under the ^{M2}Emergency Powers (Defence) Act 1939 or by Part VI of the ^{M3}Requisitioned Land and War Works Act 1945; and in determining in any proceedings any question arising under this section whether any land was requisitioned during any period a document purporting to be a certificate to that effect issued by a Government department shall be admissible in evidence.
- (4) Where it is necessary for the purposes of this section to establish that a right to graze animals on any land could not be or was not exercised for reasons of animal health it shall be sufficient to prove either—
 - (a) that the movement of the animals to that land was prohibited or restricted by or under the ^{M4}Diseases of Animals Act 1950 or any enactment repealed by that Act; or
 - (b) that the land was not, but some other land was, approved for grazing under any scheme in force under that Act or any such enactment and the animals

Changes to legislation: There are currently no known outstanding effects for the Commons Registration Act 1965, Section 16. (See end of Document for details)

were registered, or were undergoing tests with a view to registration, under the scheme.]

Textual Amendments

- F1** Act repealed (1.10.2006 for E. for the repeal of ss. 8, 9, 13(a), 6.4.2007 for E. for the repeal of s. 13(b), 6.9.2007 for W. for the repeal of ss. 8, 9, 13(a)(b), 1.10.2008 in relation to the pilot areas in E. for the repeal of ss. 1-7, 10-12, 13 in so far as not already in force, 14-16, 19, 1.12.2010 for the repeal of ss. 4-7 (in so far as not already in force), 17, 18, 19(1)(c)(e)(f)(h)(i) and 19(1)(k) (for specified purposes), 12.11.2014 in relation to the pilot areas in E. for specified purposes in relation to the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force), 15.12.2014 in relation to the pilot areas in E. for the remaining purposes of the repeal of ss. 1-3, 10-12, 13 (so far as not already in force), 14-16, 19 (so far as not already in force)) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 1](#) (with s. 60); [S.I. 2006/2504](#), art. 2(h) (with art. 3); [S.I. 2007/456](#), art. 3(e) (with art. 4); [S.I. 2007/2386](#), art. 3(p) (with art. 4); [S.I. 2008/1960](#), art. 2(1)(h) (with art. 3); [S.I. 2010/2356](#), art. 3(2) (with art. 4); [S.I. 2014/3026](#), art. 3(1)(i) (with art. 5)

Marginal Citations

- M1** 1832 c. 71.
M2 1939 c. 62.
M3 1945 c. 43.
M4 1950 c. 36.

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