



Commons Registration Act 1965

1965 CHAPTER 64

8 Vesting of unclaimed land

- (1) Where the registration under section 4 of this Act of any land as common land or as a town or village green has become final but no person is registered under that section as the owner of the land, then, unless the land is registered under the Land Registration Acts 1925 and 1936, the registration authority shall refer the question of the ownership of the land to a Commons Commissioner.
- (2) After the registration authority has given such notices as may be prescribed, the Commons Commissioner shall inquire into the matter and shall, if satisfied that any person is the owner of the land, direct the registration authority to register that person accordingly; and the registration authority shall comply with the direction.
- (3) If the Commons Commissioner is not so satisfied and the land is a town or village green he shall direct the registration authority to register as the owner of the land the local authority specified in subsection (5) of this section; and the registration authority shall comply with the direction.
- (4) On the registration under this section of a local authority as the owner of any land the land shall vest in that local authority and, if the land is not regulated by a scheme under the Commons Act 1899, sections 10 and 15 of the Open Spaces Act 1906 (power to manage and make byelaws) shall apply in relation to it as if that local authority had acquired the ownership under the said Act of 1906.
- (5) The local authority in which any land is to be vested under this section is—
 - (a) if the land is in a borough or urban district, the council of the borough or urban district;
 - (b) if the land is in a rural district, the council of the district, except in a case falling within paragraph (c) of this subsection;
 - (c) if the land is in a rural parish which has a parish council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act have been delegated to the parish council.