



Common Land (Rectification of Registers) Act 1989

1989 CHAPTER 18

An Act to provide for removing from the registers maintained under the Commons Registration Act 1965 land on which there is a dwellinghouse or which is ancillary to a dwellinghouse and in respect of which that requirement has been satisfied at all times since 5th August 1945; and for purposes connected therewith. [21st July 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Removal from registers

- (1) Within three years of the passing of this Act any person may, by notice in writing given to the registration authority maintaining a register of common land and of town and village greens under the Commons Registration Act 1965, object to the inclusion on either of the registers of the whole or part of any land in respect of which the requirements specified in subsection (2) below are satisfied.
- (2) Those requirements are—
 - (a) that—
 - (i) there is a dwellinghouse on the land and, if and so far as the land is not the site of that dwellinghouse, it is ancillary to that dwellinghouse; or
 - (ii) the land is ancillary to a dwellinghouse which is not on the land; and
 - (b) that the requirements of paragraph (a) above have been satisfied at all times since 5th August 1945.
- (3) For the purposes of subsection (2) above land ancillary to a dwellinghouse means a garden, private garage or outbuildings used and enjoyed with the dwellinghouse; and in that subsection “dwellinghouse” includes a building consisting of two or more separate dwellings.

- (4) On the receipt of a notice under subsection (1) of this section the registration authority shall refer the matter to a Commons Commissioner who shall inquire into the matter and, if he considers that the requirements specified in subsection (2) above are satisfied in the case of the land to which the objection relates or in the case of any part of it, he shall give notice of his decision to the registration authority who shall modify the register so as to exclude that land or, as the case may be, that part of it.
- (5) Where a register is modified under this section so as to exclude any land the registration authority shall also cancel the registration of any person as the owner of that land.
- (6) Section 17(2) of the said Act of 1965 (procedure of Commons Commissioners) shall apply to a matter referred to a Commissioner under this section as it applies to a matter referred under that Act.

2 Regulations

Section 19(1), (4) and (5) of the said Act of 1965 (regulations) shall have effect as if this Act were included in that Act; and regulations under that section may also—

- (a) prescribe the payment of a fee not exceeding £100 on the making of an objection under this Act;
- (b) require any notice of such an objection to be accompanied by such documents, statements or declarations as the regulations may prescribe; and
- (c) require a registration authority, on receiving such a notice, to take such steps as the regulations may prescribe for informing the public of the objection.

3 Short title, application to Crown and extent

- (1) This Act may be cited as the Common Land (Rectification of Registers) Act 1989.
- (2) This Act applies in relation to land in which there is a Crown or Duchy interest within the meaning of section 23 of the said Act of 1965 as it applies to land in which there is no such interest.
- (3) This Act does not extend to Scotland or Northern Ireland.