

COMMONS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Registration

Supplementary

Section 24 Applications etc

149. *Section 24* enables the appropriate national authority to make regulations regarding the making and determination of applications for the amendment of the registers under Part 1. Regulations may, among other things, make provision as to any of the matters set out in *subsections (2) to (3) and (5) to (8)*. In particular, subsection (2)(d) permits regulations to require a fee to be paid in connection with any application, and enables regulations to provide (if required) that the fee is to be determined by the person to whom the application is made. *Subsection (4)* makes clear that an application made under sections 6, 7, 10, 11, 12, 13 and 15, and paragraphs 1 and 3 of Schedule 1 (but not Schedule 2, for which separate provision is made in that Schedule) must be granted if properly made, subject to the relevant provisions. *Subsection (5)* enables regulations to provide for a person to be appointed to discharge any or all of the functions of the appropriate national authority in relation to an application under section 16.
150. *Subsection (8)* enables regulations to provide for the appropriate national authority to make appointments to a panel of persons who will be eligible to discharge the functions of a commons registration authority, and for a person to be selected from the panel in relation to any particular application or proposal. Such a person may be appointed to inquire into an application or proposal and make recommendations to the commons registration authority, leaving the authority to make the determination, or they may be appointed to determine the matter instead of the authority.
151. *Subsection (9)* permits regulations to enable the Church Commissioners to act with respect to land or rights vested in an ecclesiastical benefice of the Church of England (*i.e.* generally, parsonage land or rights belonging to the parsonage): this is because, where there is no incumbent appointed to a benefice, no person would be able to act on behalf of that benefice without special provision.

Section 25 Electronic registers

152. *Section 25* enables the appropriate national authority to make regulations permitting or requiring commons registration authorities to maintain commons registers in an electronic form. *Subsection (1)* provides that the regulations may relate to part of a register: for example, regulations may provide only for maps contained in a register to be kept in an electronic form. *Subsection (3)* enables regulations to make provision as to the process of conversion of a register to an electronic form: regulations may require authorities to consult on a provisional version of the register, which will enable persons to comment in particular on the accuracy of the authority's digitisation of maps contained in the registers.