

Status: Point in time view as at 01/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 2

NON-REGISTRATION OR MISTAKEN REGISTRATION UNDER THE 1965 ACT

Modifications etc. (not altering text)

- C1** Sch. 2 excluded (9.6.2009) by [Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 1, **5(11)** (with [Sch. 13 para. 14\(2\)](#), [Sch. 14 para. 19](#))
- C1** Sch. 2 excluded (9.6.2009) by [Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 1, **35(6)** (with [Sch. 13 para. 14\(2\)](#), [Sch. 14 para. 19](#))
- C1** Sch. 2 excluded (9.6.2009) by [Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 1, **46(5)** (with [Sch. 13 para. 14\(2\)](#), [Sch. 14 para. 19](#), [Sch. 16](#))

Waste land of a manor not registered as common land

- 4 (1) If a commons registration authority is satisfied that any land not registered as common land or as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, register the land as common land in its register of common land.
- (2) This paragraph applies to land which at the time of the application under sub-paragraph (1) is waste land of a manor and where, before the commencement of this paragraph—
- (a) the land was provisionally registered as common land under section 4 of the 1965 Act;
 - (b) an objection was made in relation to the provisional registration; and
 - (c) the provisional registration was cancelled in the circumstances specified in sub-paragraph (3), (4) or (5).
- (3) The circumstances in this sub-paragraph are that—
- (a) the provisional registration was referred to a Commons Commissioner under section 5 of the 1965 Act;
 - (b) the Commissioner determined that, although the land had been waste land of a manor at some earlier time, it was not such land at the time of the determination because it had ceased to be connected with the manor; and
 - (c) for that reason only the Commissioner refused to confirm the provisional registration.
- (4) The circumstances in this sub-paragraph are that—
- (a) the provisional registration was referred to a Commons Commissioner under section 5 of the 1965 Act;
 - (b) the Commissioner determined that the land was not subject to rights of common and for that reason refused to confirm the provisional registration; and

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- (c) the Commissioner did not consider whether the land was waste land of a manor.
- (5) The circumstances in this sub-paragraph are that the person on whose application the provisional registration was made requested or agreed to its cancellation (whether before or after its referral to a Commons Commissioner).
- (6) A commons registration authority may only register land under sub-paragraph (1) acting on—
- (a) the application of any person made before such date as regulations may specify; or
 - (b) a proposal made and published by the authority before such date as regulations may specify.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 2-4 excluded (1.2.2011) by [The River Mersey \(Mersey Gateway Bridge\) Order 2011 \(S.I. 2011/41\)](#), arts. 1, **49** (with art. 51, Sch. 10 paras. 68, 85)

Commencement Information

- I1** Sch. 2 para. 4 partly in force; Sch. 2 para. 4 not in force at Royal Assent see s. 56(1); Sch. 2 para. 4(6) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386](#), **art. 2**
- I2** Sch. 2 para. 4 in force at 1.10.2008 for specified purposes for E. by [S.I. 2008/1960](#), art. 2(1)(f), **Sch.** (with art. 3)

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