
STATUTORY INSTRUMENTS

1972 No. 437

COMMON

The Commons Registration (Disposal of Disputed Registrations) Regulations 1972

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>21st March 1972</i> |
| <i>Laid before Parliament</i> | | <i>28th March 1972</i> |
| <i>Coming into Operation</i> | | <i>18th April 1972</i> |

The Secretary of State for the Environment (as respects England except Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire) in exercise of their powers under sections 3(1), 6(2) and 19(1)(k) of the Commons Registration Act 1965, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Commons Registration (Disposal of Disputed Registrations) Regulations 1972, and shall come into operation on 18th April 1972.

Interpretation

2.—(1) The Interpretation Act 1889 applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires,—

“the Act” means the Commons Registration Act 1965;

“General Regulation” followed by a number means the regulation so numbered in the Commons Registration (General) Regulations 1966(1) as amended(2);

“Model Entry” followed by a number means the specimen entry so numbered and provided by way of example in Part 1 of the Schedule to these regulations;

“provisional registration” means a registration under section 4 of the Act which has not become final;

“register map” means any map, other than a supplemental map, which, by virtue of any regulation made under the Act, for the time being forms part of a register;

(1) (1966 III, p. 3978).

(2) The amending instruments are not relevant to the subject matter of these regulations.

“register unit” bears the meaning assigned to that expression in General Regulation 10;
“supplemental map” bears the meaning assigned to that expression in General Regulation 20.

Amendment of registers

3. Where a registration authority is informed under section 6 of the Act that a registration has become final (with or without modifications) or has become void, the authority shall indicate that fact in the register in accordance with Model Entry 27, 28, 29, 30, 31 or 32 as appropriate, with such adaptations and modifications (if any) as the case may require, and shall make any necessary amendment to the register map and any supplemental map.

Transfer of certain entries

4.—(1) Where any land has been registered both as common land and as a town or village green, and the registration authority is informed under section 6 of the Act that one of the registrations of the land has become void, the authority shall cancel in each register the notes made pursuant to paragraph (1) of General Regulation 14 (Double registration of land), and shall transfer from the register wherein the registration of the land has been cancelled to the other register every entry to which this regulation applies, in the following manner:—

- (a) every entry shall be allotted a fresh number and shall be dated as of the date when so transferred, but in the left-hand column of the register sheet, below such number and date, shall appear “(Formerly No...dated ... in Register Unit No....)”;
- (b) references to land in column 4 of the rights and ownership sections of the original register containing expressions valid only in relation to that register shall be adapted as necessary; and
- (c) the register map shall be amended as necessary.

(2) This regulation applies to every entry mentioned in paragraph (2) of General Regulation 14 except a registration under section 4 of the Act which has become void or has not become final or a note relating to such a registration, and, in the case of a registration which has become final with modifications, applies to the registration with those modifications.

Noting of certain rights registrations

5. Where a registration of a right of common which has become final contains a statement, in whatever terms, that the right is exercisable also over land comprised in another register unit, and the registration of the right as exercisable over that land is cancelled or becomes void, or is modified so as to be exercisable over part only of that land, the registration authority shall enter a note to that effect in the register unit containing the first-mentioned registration, and a cross-reference between the note and the registration.

Area measurement

6.—(1) Where any registration of land, other than a provisional registration, contains no indication of the area of the land, the registration authority shall enter a note of the area in the land section of the register, and shall cancel that note and enter a fresh one whenever there is any alteration in the area.

(2) A note under this regulation shall state the area of the land in hectares to three places of decimals.

Foreshore boundaries

7. Where any land comprised in a registration, other than a provisional registration, was at the date of the registration bounded by the high water mark of medium tides for any distance which, in the opinion of the registration authority, it is practicable to show on the general scale of the register map, the authority may enter a note in the land section of the register substantially in accordance with Standard Entry 9 in Part 2 of the Schedule to these regulations, and, where the authority enters such a note, it shall mark the register map accordingly.

21st March 1972 *Peter Walker*
Secretary of State for the Environment

21st March 1972 *Peter Thomas*
Secretary of State for Wales

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SCHEDULE

Regulations 2, 7

PART 1

MODEL ENTRIES

No. 27

For land section of register: an example of a registration becoming final with modifications.

| No. and date of entry | Description of the land, reference to the register map, registration particulars, etc. |
|--|---|
| 1 2 May 1967 (See entry No. 2 below) | The piece of land called Goose Green containing 2.75 acres or thereabouts in the parish of Lowood, Basset, numbered 617 on the ordnance map (2nd edition, 1907) of that parish, as marked with a green verge line inside the boundary on sheet 2 of the register map and distinguished by the number of this register unit. Registered by the registration authority without application. (Registration provisional) |
| No. 27 2 12 June 1972 | The registration at entry No. 1 above, which was disputed, became final on 15 May 1972 with the following modifications:— (a) the area to read “2.50 acres or thereabouts”; (b) the land to the west of the line A-B on the register map (as now hatched black thereon), comprising an area of 0.25 acre, to be removed from the register. |

No. 28

For rights section of register: entry for use where a number of disputed registrations have become final without modification. The words “(Registration provisional)” in each of the concerned registration entries must be struck through.

| 1 No. and date of entry | 2 No. and date of application | 3 Name and address of every applicant for registration, and the capacity in which he applied | 4 Particulars of the right of common, and of the land over which it is exercisable | 5 Particulars of the land (if any) to which the right is attached |
|----------------------------|--|---|---|--|
| 113 24 May 1972 | The registrations at entries Nos. 68, 70 and 74 to 80 above, which were disputed, became final as follows:— Nos. 68 and 74 on 24 April 1972, No. 70 on 25 April 1972, Nos. 75, 76 and 77 on 10 May 1972, and Nos. 78, 79 and 80 on 11 May 1972. | | | |

No. 29

For rights section of register: for use where a registration has become void. The void entry must be struck through, and a cross-reference to this entry inserted.

| <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> |
|----------------------------|-----------------------------|--|--|--|
| No. and date of entry | No. and date of application | Name and address of every applicant for registration, and the capacity in which he applied | Particulars of the right of common, and of the land over which it is exercisable | Particulars of the land (if any) to which the right is attached. |
| 114 13 Aug. 1972 | | The registration at entry No. 72, which was disputed, became void on 3 May 1972. | | |

No. 30

For rights section of register: an example of a disputed registration becoming final with modifications.

| | | | | |
|---------------------------|---------------------------|---|---|--|
| 1 10 Mar. 1967 | 289 4 Mar. 1967 | Jonathan Lotherington, Thatcham Farm, Fursdon, Barset. Owner. | To graze— (a) *20 head of cattle; or (b) *100 sheep: or (c) sheep and cattle together to a limit of *100 gates, each head of cattle counting as 5 gates and each sheep as 1 gate; over the whole of the land comprised in this register unit except the detached portion to the south of the Grand Junction Canal. (Registration provisional.) | Thatcham Farm, Fursdon, Barset, comprising O.S. Nos. 284, 285, 287, 301, 302, 302a, 317, 322, 348 and 349 on the O.S. map (2nd edition 1907) of the parish of Fursdon, Barset, and also the land in that parish shown hatched blue on the supplemental map bearing the number of this registration.* |
| | | *For modifications on finality see entry No. 103 below | | |
| 103 4 July 1972 | | The registration at entry No. 1 above, which was disputed, became final on 19 June 1972 with the following modifications:— | | |

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- (a) In column 4, for “20 head of cattle” read “16 head of cattle”, for “100 sheep” read “80 sheep”, and for “100 gates” read “80 gates”;
- (b) In column 5, delete all after “Barset” where that word occurs for the second time.

Nos. 31 and 32

For ownership section of register.

| <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> |
|---|-----------------------------|--|---|
| No. and date of entry | No. and date of application | Name and address of person registered as owner | Particulars of the land to which the registration applies |
| | 2 18 May 1967 | 312 10 May 1967 | Jesiah Burlinson, Beldon Hall, Dalberry Lees, Barset. (Registration provisional) (See entry No. 5 below) |
| 3 17 June 1968 | 2001 1 June 1968 | The incumbent for the time being of the benefice of St. Peter, Reephram, Barset. (Registration provisional) | The part of the land comprised in this register unit lying east of the line A-B and south of the line C-D on the register map.* |
| *For modification on finality see entry No. 6 below | | | |
| No. 31 | 5 20 June 1972 | | The registration at entry No. 2, which was disputed, became void on 9 June 1972. |
| No. 32 | 6 20 June 1972 | | The registration at entry No. 3, which was disputed, became final on 9 June 1972 with the following modification:— In column 4 after the word “map” add the words “except the parcel numbered 38c on the ordnance survey map (3rd edition 1930) of the parish of Reephram, Barset.”. |

PART 2

STANDARD ENTRY

No. 9

For Notes, land section of register.

At the date of the registration of the land comprised in this register unit, the boundary of the land between the points marked A-B-C-D on sheet...of the register map coincided with the high water mark of medium tides.

EXPLANATORY NOTE

Under sections 5 and 19 of the Commons Registration Act 1965, if objection is made to a provisional registration of any land as common land or as a town or village green, or of rights of common over or a claim to ownership of such land, or if one such registration conflicts with another, the matter must be referred to a Commons Commissioner.

The ultimate disposal of such registrations will be notified to registration authorities following decisions by Commons Commissioners under section 6 of the Act, and the result of any appeal from such decisions. These regulations provide for the indication of the disposal of these registrations in the registers maintained under the Act. They also provide for consequential matters and for certain minor entries in the registers.