
STATUTORY INSTRUMENTS

2008 No. 1961

The Commons Registration (England) Regulations 2008

PART 2

The Registers

Form of the registers

- 5.—(1) Every register of common land or of town or village greens is to consist of—
- (a) a general part;
 - (b) a register map;
 - (c) as many register units as there are registrations of land in the register; and
 - (d) such supplemental maps as may be necessary.
- (2) The general part of each register is to be in Form 1, and must contain details of—
- (a) any agreement made under section 4(3) of the 2006 Act or section 2(2) of the 1965 Act to which the registration authority is a party;
 - (b) any other transfer, to or from the registration authority, of responsibility for maintaining any register or register unit; and
 - (c) any land in the area of the registration authority to which Part 1 of the 2006 Act does not apply, or is to be taken not to apply, by virtue of section 5 of that Act.
- (3) Model Entries 1 and 2 are provided for general guidance in complying with sub-paragraphs (a) and (b) respectively of paragraph (2).
- (4) Any register map prepared under these Regulations must be prepared in accordance with regulations 9 to 12.
- (5) Register units must be maintained in accordance with regulation 6.
- (6) Supplemental maps must be prepared in accordance with regulation 13.
- (7) Every register must be bound, but so that sheets can be added or removed without damage.

Register units

- 6.—(1) Subject to paragraph (2), each register unit is to consist of two sections, called the land section and the rights section.
- (2) In the case of a register unit which was prepared under regulations under the 1965 Act, the register unit is additionally to consist of a third section, called the ownership section.
- (3) The land section of each register unit must be in Form 2, and is to—
- (a) specify the land comprised in that registration, with a reference to the register map; and
 - (b) contain any notes entered pursuant to an application under regulation 47 (matters affecting the public) in relation to that land.
- (4) The rights section of each register unit must be in Form 3, and is to specify—

- (a) the rights of common registered as exercisable over the land comprised in the land section of the register unit, or any part of that land;
 - (b) the name and address of any person on whose application a right of common was registered, or the registration of a right of common was amended;
 - (c) the provision of any enactment under or pursuant to which the registration or amendment was made;
 - (d) in respect of a right of common which is attached to land, the land to which the rights are attached;
 - (e) in respect of a right of common in gross, the name and address of the owner of that right; and
 - (f) any declarations made pursuant to regulation 44 (declaration of entitlement to right of common).
- (5) A registration authority must allot a distinguishing number to each register unit, and must compile a separate series of register unit numbers for its register of common land and its register of town or village greens.
- (6) Each register unit number must bear a prefix as follows—
- (a) in the case of a register unit in the register of common land, the prefix ‘CL’; and
 - (b) in the case of a register unit in the register of town or village greens, the prefix ‘VG’.
- (7) The registration authority—
- (a) may, from time to time as necessary, add fresh register sheets to a register unit; and
 - (b) must mark every sheet forming part of a register unit with the number of that unit.

Method of registration

7.—(1) Every new entry made in a register relating to—

- (a) registered land,
- (b) rights of common over such land, or
- (c) the ownership of such land,

must be made in the appropriate section of the register unit relating to that land.

(2) A registration authority must, in making any registration (including an amendment to, or deletion of, a registration), follow as closely as possible the relevant model entry with such variations and adaptations as the circumstances may require.

(3) In paragraph (2) “relevant model entry” means, in relation to a registration made under or pursuant to the provision in the first column of the following table, the corresponding model entry specified in the second column of the table.

<i>Provision under or pursuant to which registration is made</i>	<i>Relevant model entry</i>
Section 6 of the 2006 Act	Model Entry 3 or 18, as appropriate
Section 7 of the 2006 Act	Model Entry 4 or 17, as appropriate
Section 8 of the 2006 Act	Model Entry 5
Section 10 of the 2006 Act	Model Entry 6
Section 11 of the 2006 Act	Model Entry 7

<i>Provision under or pursuant to which registration is made</i>	<i>Relevant model entry</i>
Section 12 of the 2006 Act	Model Entry 8
Section 13 of the 2006 Act	Model Entry 9
Section 14 of the 2006 Act	Model Entry 3, 4, 9, 13, 15, 16, 17, 18 or 20, as appropriate
Section 15 of the 2006 Act	Model Entry 18
Section 17 of the 2006 Act	Model Entry 3, 4, 13, 15, 16, 17, 18 or 20, as appropriate
Paragraph 1 or 3 of Schedule 1 to the 2006 Act	Model Entry 14
Paragraphs 2 to 4 of Schedule 2 to the 2006 Act	Model Entry 17 or 18, as appropriate
Paragraph 5 of Schedule 2 to the 2006 Act	Model Entry 19
Paragraphs 6 to 9 of Schedule 2 to the 2006 Act	Model Entry 15 or 16, as appropriate
Paragraph 2 or 4 of Schedule 3 to the 2006 Act	Model Entry 3, 4, 5, 8, 9, 13, 14, 15, 16, 17, 18 or 20, as appropriate
Regulation 44	Model Entry 10, 11 or 12, as appropriate
Regulation 47	Model Entry 21 or 22, as appropriate
Regulation 48(2)	Model Entry 23
Regulation 48(3)	Model Entry 24

(4) The registration authority may register new land as common land or as a town or village green—

- (a) by amending an existing register unit to include the new land; or
- (b) by inserting a new register unit.

(5) Where—

- (a) land is to be registered pursuant to—
 - (i) an order under section 17 of the 2006 Act, or
 - (ii) a determination under Part 3 of these Regulations, and
- (b) the order or determination relates to two or more parcels of land,

the registration authority may, if it thinks fit, prepare two or more register units, each comprising one or more parcels of land.

(6) In paragraph (5), “parcel of land” means an area of land required to be registered, along with other land, pursuant to an order or determination, and having no common boundary with any of that other land.

Replacement of register sheets

8.—(1) Where—

- (a) in accordance with these Regulations, an amendment is to be made to an entry in the register (other than to any map), and that entry is recorded on a register sheet which does not comply with the requirements of these Regulations; or
- (b) at the discretion of the registration authority, a register sheet is to be replaced,

the registration authority must ensure that all the entries recorded on that sheet are transferred to the appropriate replacement sheet prescribed in these Regulations, with the exception of any entry or information which has been cancelled or deleted.

(2) The registration authority must stamp any replacement register sheet, with the stamp bearing the date of its creation.

(3) The replacement register sheet then forms part of the register and the original register sheet must be marked in accordance with Standard Entry 2 but does not cease to be part of the register.

Register maps

9.—(1) Subject to paragraph (4), every registration authority must, for each of its registers, keep up to date a register map showing all the land registered in that register, in accordance with this regulation.

(2) Every register map is to be based on the Ordnance Map.

(3) A register map may consist of one or more sheets, and further sheets may be added from time to time as necessary.

(4) Where any sheet of a register map was compiled before 1st July 1968, the registration authority—

- (a) may retain that sheet as, or as part of, the register map in its existing form until the first occasion on which that sheet is required to be amended; and
- (b) must, on or before that occasion, prepare a fresh edition of that sheet which complies with this regulation.

(5) Where a register map consists of more than one sheet—

- (a) each sheet must bear a distinguishing number; and
- (b) the sheets must be bound together, but so that sheets can be added or removed without damage.

(6) On every register map consisting of one sheet, and on every sheet of a register map consisting of more than one sheet—

- (a) there must be included an entry in accordance with Standard Entry 1; and
- (b) that entry must be stamped by, and signed on behalf of, the registration authority.

(7) Where the registration authority considers it expedient to show any details on a larger scale than the scale of its register map, it may insert an inset map for that purpose.

(8) Any new sheet which is added to a register map, or any fresh edition of a register map or sheet of a register map—

- (a) where the land to be described consists wholly of moorland, must be on a scale of not less than 1:10,560 (six inches to one mile); and
- (b) in all other cases, must be on a scale of not less than 1:2,500.

(9) If an existing register map is to be amended (other than by adding a new sheet), the amendment must be shown, if necessary by means of an inset map—

- (a) if the land to which the amendment relates consists wholly of moorland, on a scale of not less than 1:10,560 (six inches to one mile); and

(b) in all other cases, on a scale of not less than 1:2,500.

Contents of register maps

10.—(1) The following requirements apply when marking a register map—

- (a) black is not to be used;
- (b) every colour used must be a transparent colour;
- (c) every line, letter or other symbol used must be drawn or written as finely as possible; and
- (d) any coloured verge to be placed inside a boundary is to be placed with its outer edge touching the boundary.

(2) Every register map must show the matters specified in the first column of the following table, in the manner specified in the second column.

<i>Item</i>	<i>Matter to be shown on register map</i>	<i>Manner in which to be shown</i>
1.	Any land in the registration area— (a) to which, by virtue of section 5 of the 2006 Act, the provisions of Part 1 of that Act do not apply or are to be taken not to apply; or (b) to which, by virtue of an order made pursuant to section 11 of the 1965 Act, the provisions of sections 1 to 10 of that Act did not apply, and which has not subsequently become registered.	By a yellow verge inside the boundary, the word EXEMPTED and, where necessary, a red interrupted line on the boundary.
2.	The land comprised in each register unit.	By a green verge inside the boundary, the appropriate register unit number and, where necessary, a red interrupted line on the boundary.
3.	Land which has been removed from the register.	By violet hatching, with or without violet lettering, the hatching being delimited where necessary by a violet outline.
4.	The limits of any land over which a registered right of common is exercisable, or to which a registration of ownership applies, so far as those limits do not coincide with the boundaries of the land comprised in a register unit, and cannot conveniently be described by reference to any feature appearing on the map.	By red continuous lines and red lettering, or by red lettering alone.
5.	Any boundaries of the registration area falling within the map.	By blue interrupted lines.
6.	Other matters mentioned in the general part of the register or in any registration (but not details of land to which rights of common are attached), which it is necessary or convenient to show on the map.	By such other colours and symbols as (subject to regulation 10(1)) the registration authority thinks fit.

(3) There must be kept annexed to every register map a table headed “Key to Colouring and Symbols” containing a description or representation of every colour or symbol used in the register map (except for any which are not of general application) with a statement of the meaning of each such colour or symbol.

Register map overlays

11.—(1) This regulation applies where it appears to a registration authority that it would be impracticable or confusing to include on one surface all the details required to be shown on a register map or any sheet of a register map.

(2) The authority may prepare one or more transparent overlays for the map or sheet, and may show on such an overlay, instead of on the map or sheet itself, the details, or some of the details, required to be shown by virtue of items 3, 4 and 6 of the table in regulation 10(2).

(3) Every such overlay must be fastened to the original register map or sheet so that the details on the overlay coincide with those on the original, but so that it may be lifted away to enable either the original alone, or the original and any other overlay fastened to the original, to be inspected.

(4) Every overlay prepared under this regulation forms part of the register map.

Fresh editions of register maps

12.—(1) A registration authority may prepare a fresh edition of a register map or of any sheet of a register map, showing only details of subsisting entries in the register.

(2) A fresh edition of a sheet forming part of a register map must bear the same number as the sheet it is to replace.

(3) A map or sheet which is replaced by a fresh edition must be marked on its face in accordance with Standard Entry 2, but remains part of the register.

Supplemental maps

13.—(1) Where—

- (a) a right of common attached to any land is to be registered, or
- (b) any amendment is to be made to an entry relating to such a right, and that entry does not already contain a map describing the land to which that right is attached,

the registration authority must, subject to paragraph (7), describe that land in the register by means of a map, to be called a supplemental map.

(2) The registration authority must either—

- (a) adopt as the supplemental map any map contained in or accompanying the application for registration, or amendment of a registration, which shows the land to which the right of common is attached or any part of that land; or
- (b) itself prepare a map showing the land to which the right of common is attached.

(3) The scale of a supplemental map must be not less than 1:10,560 (six inches to one mile).

(4) A supplemental map prepared by a registration authority may identify the land to which the right of common is attached in such manner as the registration authority thinks fit, and the means of identification used must be referred to in column 5 of the entry in the rights section of the register unit to which it relates, in accordance with Standard Entry 3.

(5) The registration authority must—

- (a) stamp the supplemental map, with the stamp bearing the date on which the right of common is registered or the registration is amended, and

(b) indorse it in accordance with Standard Entry 4, and the supplemental map then forms part of the register.

(6) The registration authority must keep all the supplemental maps—

- (a) for each register, in register unit order; and
- (b) for each register unit, in entry number order.

(7) When registering, or amending the registration of, a right of common which is attached to land that comprises a dwelling, the registration authority may describe that land either—

- (a) by entering a description of the dwelling, including the Ordnance Survey grid reference of its location, in column 5 of the rights section of the register; or
- (b) by means of a supplemental map.

Continuing validity of existing register entries

14. Any entry made in a register before 1st October 2008 continues to have effect on and after 1st October 2008, whether or not it complies with the requirements of these Regulations, if it was made in accordance with—

- (a) the 1965 Act, or regulations under that Act⁽¹⁾;
- (b) the Common Land (Rectification of Registers) Act 1989⁽²⁾;
- (c) the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007⁽³⁾; or
- (d) the Commons (Deregistration and Exchange Orders) (Interim Arrangements) (England) Regulations 2007⁽⁴⁾.

(1) Section 19 of the 1965 Act (regulations) was extended by the Common Land (Rectification of Registers) Act 1989 (c. 18).

(2) 1989 c. 18.

(3) S.I. 2007/457.

(4) S.I. 2007/2585.