
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 1

Preliminary

Title, commencement and application

1.—(1) These Regulations—

- (a) may be cited as the Commons Registration (England) Regulations 2014; and
- (b) come into force on 15th December 2014.

(2) These Regulations apply in relation to the registration areas in England, as at 15th December 2014, of the registration authorities specified in Schedule 1.

(3) To the extent, and subject to the modifications, described in Schedule 8, these Regulations also apply in relation to the registration areas in England, as at 15th December 2014, of any 1965 registration authority where there is an application to that authority to amend its register of common land or its register of town or village greens under—

- (a) section 19 of the 2006 Act, for the purpose given in section 19(2)(a) (correcting a mistake made by the registration authority in making or amending an entry in the register); or
- (b) Schedule 2 to the 2006 Act (non-registration or mistaken registration under the 1965 Act), paragraph 6, 7, 8 or 9.

Interpretation

2.—(1) In these Regulations—

“the 1965 Act” means the Commons Registration Act 1965⁽¹⁾;

“1965 registration authority” means a registration authority in England which is neither an original registration authority nor a 2014 registration authority;

“the 2006 Act” means the Commons Act 2006;

“2014 registration authority” means the commons registration authority of Cumbria County Council or North Yorkshire County Council;

“application”, except in regulation 48, means an application to a registration authority under Part 1 of the 2006 Act or under these Regulations to amend its register of common land or its register of town or village greens;

“determining authority” means—

- (a) the Planning Inspectorate, in relation to an application or proposal which has been referred to it pursuant to regulation 26(2); or

(b) in relation to any other application or proposal, the registration authority which is required to determine it in accordance with regulation 26(1);

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);

“Form”, followed by a number, means the form so numbered in Schedule 2, or a form to substantially the same effect;

“inspector”, except in regulation 4, means a person appointed by the determining authority to conduct a public inquiry, hearing or site inspection in relation to an application or proposal;

“local authority” means—

- (a) a county council;
- (b) a district council;
- (c) a London borough council;
- (d) a National Park authority;
- (e) a parish council; or
- (f) the chairman of a parish meeting;

“Model Entry”, followed by a number, means the specimen entry so numbered which is provided as an example in Part 1 of Schedule 3;

“moorland” means any area of land shown coloured brown in the three volumes of maps, each entitled “Moorland Map of England 2009” and marked with the number of the volume, dated 29th January 2010, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Nobel House, 17 Smith Square, London SW1P 2AL;

“original registration authority” means any commons registration authority listed in Schedule 1 which is not a 2014 registration authority;

“the Planning Inspectorate” means the body of persons entrusted by the Secretary of State to carry out the functions of the Secretary of State in relation to appeals under Part 3 of the Town and Country Planning Act 1990(3);

“proposal”, except in regulation 45(1), means a proposal by a registration authority to amend a register on its own initiative, pursuant to—

- (a) section 19 of the 2006 Act;
- (b) Schedule 2 to the 2006 Act; or
- (c) paragraph 2 of Schedule 3 to the 2006 Act;

“referring authority” means, in relation to an application or proposal which has been referred to the Planning Inspectorate pursuant to regulation 26(2), the registration authority which referred it;

“registered land” means land registered as common land or as a town or village green;

“register map” means any map, other than a supplemental map, which, by virtue of any regulations made under either the 1965 Act or the 2006 Act, forms part of a register;

“register unit” means, in respect of any land registered in the register of common land or of town or village greens, the sum of that land’s registration in the land section and the rights section of the register and, if the registration was made under regulations under the 1965 Act, the ownership section of that register;

(2) 2000 c. 7; the definition of “electronic communication” was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

(3) 1990 c. 8.

“registration area”, in relation to a registration authority, means—

- (a) all the land within the area of that authority, except for any land for which another authority acts as the registration authority pursuant to an agreement made under section 4(3) of the 2006 Act or section 2(2) of the 1965 Act; and
- (b) any other land for which that authority acts as the registration authority pursuant to such an agreement;

“registration authority” means a commons registration authority;

“relevant area”, in relation to an application or proposal, means the area of the land to which the application or proposal relates;

“relevant charge” and “relevant leaseholder” have the meanings given in section 15(10) of the 2006 Act;

“right of common in gross” means a right of common which is not registered as being attached to land;

“Standard Entry”, followed by a number, means the specimen entry so numbered in Part 2 of Schedule 3, or an entry to substantially the same effect;

“supplemental map” has the meaning given in regulation 13;

“transitional application period” has the meaning given in regulation 38(2).

(2) References to the land to which an application or proposal relates are to be interpreted, in relation to an application or proposal to register or amend the registration of a right of common, as meaning the land over which that right is or is to be exercisable.

Official stamp of registration authority

3.—(1) Every registration authority must have an official stamp for the purposes of the 2006 Act, an impression of which bears the following information—

COMMONS ACT 2006

[Name of registration authority]

COMMONS REGISTRATION AUTHORITY

[Date].

(2) A requirement for a registration authority to stamp any document is a requirement to cause an impression of the official stamp to be affixed to it, bearing the date mentioned in the requirement or (where no date is mentioned in the requirement) the date when the stamp is affixed.

Appointment of persons to discharge functions of a registration authority

4. The Secretary of State may appoint—

- (a) the Planning Inspectorate as eligible to carry out the administration of applications made to, or proposals made by, a registration authority, which are referred by the registration authority to the Planning Inspectorate in accordance with these Regulations; and
- (b) any person who is employed or otherwise engaged as one of the inspectors of the Planning Inspectorate, or is employed on its staff, as eligible to—
 - (i) determine an application or proposal which a registration authority has referred to the Planning Inspectorate in accordance with these Regulations; and
 - (ii) carry out any steps necessary for or incidental to that purpose (for example, conducting a public inquiry, a hearing or a site visit).

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 must be in Form 1, and must contain particulars 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 46 (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 43 (declaration of entitlement to exercise a 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 add fresh register sheets to a register unit; and
 - (b) must stamp every sheet forming part of a register unit and further mark each such sheet 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
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

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<i>Provision under or pursuant to which registration is made</i>	<i>Relevant model entry</i>
Section 19 of the 2006 Act	Model Entry 4, 6, 7, 8, 9, 14, 15, 16, 17 or 24, 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 43	Model Entry 10, 11 or 12, as appropriate
Regulation 46	Model Entry 21 or 22, as appropriate
Regulation 47(2)	Model Entry 23
Regulation 47(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.

(7) The registration authority may at any time supplement an existing entry with information that it considers necessary or desirable for the accurate interpretation of that entry.

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 or predominantly 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 or predominantly 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—

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- (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—

- (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—
 - (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.**—(1) Any entry made—
- (a) before 1st October 2008 in a register kept by an original registration authority; or
 - (b) before 15th December 2014 in a register kept by a 2014 registration authority,
- continues to have effect on and after that date, whether or not it complies with the requirements of these Regulations, if it meets the requirement in paragraph (2).
- (2) The requirement is that the entry was made in accordance with—
- (a) the 1965 Act, or regulations under that Act⁽⁴⁾;
 - (b) the Common Land (Rectification of Registers) Act 1989⁽⁵⁾;
 - (c) the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007⁽⁶⁾; or
 - (d) the Commons (Deregistration and Exchange Orders) (Interim Arrangements) (England) Regulations 2007⁽⁷⁾.

PART 3

Applications and proposals to amend the Registers

Scope of this Part

- 15.**—(1) Subject to paragraphs (2) and (3), this Part applies in relation to any application or proposal.
- (2) Only the following provisions of this Part apply in relation to an application under regulation 43 (declaration of entitlement to exercise a right of common)—
- (a) regulation 16(1); and
 - (b) regulation 17.
- (3) This Part does not apply in relation to an application under regulation 46 (matters affecting the public).

Making an application

- 16.**—(1) An application must—
- (a) be made in writing on a form provided by the Secretary of State for an application of that type; and

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

(5) 1989 c. 18.

(6) S.I. 2007/457.

(7) S.I. 2007/2585.

- (b) be signed by, or by a representative of, every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or an unincorporated association.
- (2) Schedule 4 contains provisions which apply in relation to specific types of applications as to—
 - (a) the circumstances in which an application is permitted or required to be made;
 - (b) who may make the application; and
 - (c) the matters which must be included in or which, subject to paragraph (3), must accompany the application.
- (3) An applicant is not required to include with an application a copy of any document specified in Schedule 4 if—
 - (a) the registration authority issued the document, or was a party to the document; or
 - (b) the document has been deposited with the registration authority in accordance with any enactment.

Application fees

17.—(1) An application must be accompanied by such reasonable fee (if any) specified for an application of that type by the registration authority to which it is submitted.

(2) The fee specified by a registration authority as payable on an application must be published on its website.

(3) Where a fee first specified by a registration authority under this regulation is subsequently revised by that authority, and in the case of any further revision, such revised fee must be published on the authority's website not less than 14 days before such fee is to take effect.

(4) No fee may be specified by a registration authority for an application made under, and for the purposes of, a provision listed in Schedule 5.

(5) Where—

- (a) an application made for the purposes of section 8 of the 2006 Act accompanies the primary application within the meaning given by paragraph 3(1) of Schedule 4; or
- (b) an application made for the purposes of paragraph 2 or 4 of Schedule 3 to the 2006 Act to a 2014 registration authority to amend a register in consequence of an apportionment of a right of common accompanies the primary application within the meaning given by paragraph 18(1) of Schedule 4,

the fee specified for that application is payable in addition to the fee specified for the primary application.

(6) Where regulation 26 requires the Planning Inspectorate to determine an application, the applicant must send to the Planning Inspectorate the further fee (if any) that is specified in Schedule 6 for an application of that type.

(7) Neither a registration authority nor the Planning Inspectorate need take any steps to deal with an application until the applicant has paid to it the specified fee.

Making a proposal

18.—(1) Before taking any other steps under this Part in relation to a proposal, a registration authority must prepare a statement in writing describing the proposal and explaining the justification for it.

(2) An original registration authority may not proceed with a proposal under Schedule 2 to the 2006 Act unless it has complied with paragraph (1), and paragraphs (2) to (5) of regulation 22, on or

before 31st December 2020, and a 2014 registration authority may not proceed with such a proposal unless it has similarly complied on or before 15th March 2027.

(3) An original registration authority may not proceed with a proposal for the purposes of paragraph 2 of Schedule 3 to the 2006 Act unless it has complied with paragraph (1), and with paragraphs (2) to (5) of regulation 22, on or before 30th September 2010, and a 2014 registration authority may not proceed with such a proposal unless it has similarly complied on or before 14th December 2017.

Land descriptions

19.—(1) This regulation applies in relation to any requirement to describe land for the purposes of an application or proposal, except where another provision of these Regulations specifies the manner in which land is to be described in a particular case.

(2) The land must be described, except where paragraph (3) applies, by an Ordnance Map accompanying the application or proposal and referred to in it.

(3) Where the land is registered land, and the application relates to the whole of the land in a register unit, the land must be described by a reference to the number of that register unit.

(4) Where part of the land is registered land, that part of the land must be described by a reference to the number of any register unit which includes that part.

(5) In paragraphs (3) and (4) the references to “registered land” include land provisionally registered under the 1965 Act, but which registration was not subsequently confirmed, in which case the requirement under those paragraphs is to be met by describing such land by reference to the number under which it was provisionally registered.

(6) Any Ordnance Map accompanying an application or proposal must show the land to be described by means of distinctive colouring within an accurately identified boundary and must be—

- (a) on a scale of not less than 1:10,560 (six inches to one mile), where the land to be described—
 - (i) consists wholly or predominantly of moorland;
 - (ii) is a neighbourhood or locality, which is being described for the purposes of an application under section 15 of the 2006 Act; or
 - (iii) is the land to which a right of common is attached; and
- (b) on a scale of not less than 1:2,500 in all other cases.

Management of application

20.—(1) As soon as practicable after receiving an application and (if any) the specified fee, the registration authority must send an acknowledgement of receipt to the applicant, which must include—

- (a) the reference number allocated to the application; and
- (b) a postal address and an e-mail address to which written communications to the registration authority may be sent.

(2) The registration authority may direct the applicant to provide any further information or documents necessary to enable the application to be determined.

(3) The registration authority may specify a time for complying with any direction given under this regulation.

(4) If the applicant fails to comply with any direction given under this regulation or, where applicable, fails to comply within the time specified, the registration authority may treat the application as abandoned.

Registration authority's duty to publicise application

21.—(1) As soon as reasonably practicable after receiving an application complying with regulations 16 and 17, the registration authority must—

- (a) publish a notice of the application on its website;
- (b) serve a notice of the application by e-mail on anyone who has previously asked to be informed of all applications, and who has given the authority an e-mail address for that purpose; and
- (c) subject to paragraphs (2) and (3), serve a notice of the application on each of the persons specified in Schedule 7 in relation to an application of that kind.

(2) In relation to any application, the registration authority may decide that paragraph 1(c) of Schedule 7 does not apply in respect of the requirement to serve a notice on the persons registered as owners of rights of common in gross, if it considers that those persons are so numerous that it would not be reasonably practicable to serve notice of the application on all of them.

(3) A requirement pursuant to paragraph 2 of Schedule 7 to serve a notice on an owner of land does not apply if it is not reasonably practicable to identify that person.

(4) The requirements in paragraph (5) apply in relation to—

- (a) an application under section 15(1) of the 2006 Act;
- (b) an application under section 19 of the 2006 Act, for the removal of registered land from, or for the addition of land to, a register; or
- (c) an application under Schedule 2 to the 2006 Act.

(5) As soon as reasonably practicable after receiving such an application, the registration authority must—

- (a) post a notice of the application for not less than 42 days at or near at least one obvious place of entry to (or, if there are no such places, at or near at least one conspicuous place on the boundary of) the land to which the application relates; and
- (b) serve a notice of the application on every other local authority for that area.

(6) Where a notice posted under paragraph (5)(a) is, without any fault or intention of the registration authority, removed, obscured or defaced before the period of 42 days referred to in that paragraph has elapsed, the authority is to be treated as having complied with the requirements of that paragraph.

Registration authority's duty to publicise proposal

22.—(1) A registration authority which has prepared a statement of a proposal must, before taking any further steps in relation to the proposal, comply with paragraphs (2) to (5).

(2) The registration authority must publish a notice of the proposal on its website.

(3) If the proposal is to register or deregister any land as common land or as a town or village green, the registration authority must post a notice of the proposal for not less than 42 days at or near at least one obvious place of entry to (or, if there are no such places, at or near at least one conspicuous place on the boundary of) the land to which the proposal relates.

(4) The registration authority must serve a notice of the proposal on the following persons—

- (a) subject to paragraph (7), the owner of any land comprising the whole or any part of the register unit to which the proposal relates;
- (b) any person who has made a declaration, duly recorded in the register, of entitlement to a right of common over any land comprising the whole or any part of the register unit to which the proposal relates;

- (c) any commons council established for, or other body representing the interests of persons with rights of common over, land which includes the land to which the proposal relates;
 - (d) subject to paragraph (8), any owner of a right of common in gross which is exercisable over any land comprising the whole or any part of the register unit to which the proposal relates; and
 - (e) every other local authority for that area.
- (5) The registration authority must also serve a notice of the proposal by e-mail on any other person who has previously asked to be informed of all proposals, and who has given the authority an e-mail address for that purpose.
- (6) Where a notice posted under paragraph (3) is, without any fault or intention of the registration authority, removed, obscured or defaced before the period of 42 days referred to in that paragraph has elapsed, the authority is to be treated as having complied with the requirements of that paragraph.
- (7) The requirement in paragraph (4)(a) does not apply if it is not reasonably practicable to identify that person.
- (8) The registration authority may, in relation to any proposal, decide that paragraph (4)(d) is not to apply, if it considers that the persons registered as owners of rights of common in gross are so numerous that it would not be reasonably practicable for it to serve notice of the proposal on all of them.

Contents of notice of application or proposal

23. A notice of an application or proposal which is required to be published, posted or served under regulation 21 or 22 must contain the following details—

- (a) a reference to “the Commons Act 2006”, and the provision of that Act under (or pursuant to which) the application or proposal is made;
- (b) the name of the applicant (in the case of an application);
- (c) the name of the registration authority;
- (d) the name and location of the land to which the application or proposal relates;
- (e) a summary of the effect of the application (if granted) or proposal (if the decision is made to give effect to it);
- (f) both a postal address and an e-mail address for the registration authority to which any representations concerning the application or proposal may be sent;
- (g) a statement that any representations will not be treated as confidential, but will be dealt with in accordance with regulation 25, and that where the application or proposal is referred to the Planning Inspectorate for determination in accordance with regulation 26, any representations will be sent to the Planning Inspectorate;
- (h) the date on which the period for making representations expires, which must not be less than 42 days after the date of the publishing, posting or service of the notice; and
- (i) the address of the registration authority at which documents relating to the application or proposal are available for inspection.

Inspection of copies of documents

24.—(1) The registration authority must ensure that copies of the following documents are available for inspection at the address specified for that purpose in any notice of the application or proposal—

- (a) in the case of an application, copies of the application and any accompanying documents;
- or

- (b) in the case of a proposal, copies of—
 - (i) the statement prepared in accordance with regulation 18(1); and
 - (ii) any documents in the possession of the registration authority which are relevant to the proposal.

(2) The times and dates at which the documents referred to in paragraph (1) are available for inspection must include all normal office hours during a period of not less than 42 days ending with the expiry of the period for making representations.

Representations

25.—(1) Any person may, by the date specified in a notice of an application or proposal, make written representations to the registration authority about the application or proposal.

(2) Representations under paragraph (1)—

- (a) must state the name and postal address of the person making them, and the nature of that person’s interest (if any) in any land affected by the application or proposal;
- (b) may include an e-mail address of the person making them;
- (c) must be signed by the person making them; and
- (d) must state the grounds on which they are made.

(3) As soon as reasonably practicable after the expiry of the period allowed for making representations in respect of an application, the registration authority must—

- (a) notify the applicant that no representations have been made; or
- (b) serve on the applicant a copy of all the representations it has received.

(4) The applicant may reply in writing to the registration authority within 21 days of being served with a copy of representations (or within such longer period as the registration authority may specify at the time when it serves the copy of representations), setting out the applicant’s response to the representations.

(5) A reply under paragraph (4) must be signed by the person making it.

(6) Where the applicant makes a reply under paragraph (4), the registration authority must send a copy of it to every person who made a representation under paragraph (1).

Responsibility for determining applications and proposals

26.—(1) Subject to paragraph (2)—

- (a) an application made in accordance with these Regulations must be determined by the registration authority to which it was made; and
- (b) a registration authority which has made a proposal in accordance with these Regulations must determine whether or not to amend its registers in accordance with the proposal.

(2) In the cases specified in paragraphs (3) and (4), a registration authority must refer to the Planning Inspectorate for determination by it—

- (a) any application made to the registration authority in accordance with these Regulations; and
- (b) any proposal made by the registration authority in accordance with these Regulations.

(3) Those cases are where the registration authority has an interest in the outcome of the application or proposal such that there is unlikely to be confidence in the authority’s ability impartially to determine it, or where a person having a legal interest in the land the subject of an application or proposal (or someone acting on behalf of such a person) has made (and not

subsequently withdrawn) representations amounting to an objection in respect of the application or proposal, and—

- (a) the application or proposal is made under section 19(4) of the 2006 Act, and seeks—
 - (i) to add land to, or to remove land from, a register; or
 - (ii) to correct an error as to the quantification of rights of common in a register; or
- (b) the application or proposal is made under any of paragraphs 4 to 9 of Schedule 2 to the 2006 Act.

(4) Where a case specified in paragraph (3) qualifies as the primary application within the meaning given by paragraph 3(1) or paragraph 18(1) of Schedule 4, and that application is accompanied by another application made for the purposes of section 8 (apportionment) of the 2006 Act or for the purposes of paragraph 2 or 4 of Schedule 3 to the 2006 Act (to amend a register in consequence of an apportionment), that other application must also be referred to the Planning Inspectorate for determination by it.

(5) When the registration authority refers an application or proposal to the Planning Inspectorate for determination—

- (a) the registration authority must send to the Planning Inspectorate all material in its possession which is relevant to the determination of the application or proposal; and
- (b) in the case of an application, the Planning Inspectorate may direct the applicant to provide any further information or documents necessary to enable the application to be determined.

(6) The Planning Inspectorate may specify a time for complying with any direction given under this regulation.

(7) If the applicant fails to comply with any direction given under this regulation or, where applicable, fails to comply within the time specified, the Planning Inspectorate may treat the application as abandoned.

Method of determining applications and proposals

27.—(1) The determining authority must, in determining any application or proposal, take into account—

- (a) the contents of the application or proposal, and any material accompanying it;
- (b) in the case of an application, any further information or evidence provided by the applicant in accordance with a direction under regulation 20(2) or 26(5)(b);
- (c) any written representations made by any person in accordance with regulation 25, or in accordance with an invitation under paragraph (4);
- (d) any oral representations made by any person in accordance with paragraph (7);
- (e) the findings made at a site inspection, if any; and
- (f) where a public inquiry or a hearing has been held by an inspector—
 - (i) the evidence presented at the inquiry or hearing (if the determination is being made by the inspector who heard the evidence); or
 - (ii) the report and recommendation of the inspector (if the determination is not being made by the inspector).

(2) The determining authority may decide that a public inquiry is to be held in relation to any application or proposal.

(3) Where the Planning Inspectorate is the determining authority, it may decide that a hearing in accordance with regulation 32 is to be held in relation to any application or proposal.

(4) The determining authority may, if it thinks it necessary to enable an application or proposal to be determined, invite further written representations about any specified matter from—

- (a) the applicant, in the case of an application;
- (b) the registration authority, in the case of a proposal;
- (c) a person who has made representations in accordance with regulation 25; or
- (d) any other person;

and may specify the time within which any such further representations must be made.

(5) Representations made pursuant to an invitation under paragraph (4) must be signed by the person making them.

(6) Paragraph (7) applies in relation to any application or proposal which the determining authority decides to determine without holding a public inquiry or (where the Planning Inspectorate is the determining authority) a hearing in accordance with regulation 32.

(7) The determining authority—

- (a) may not refuse an application without first offering the applicant an opportunity to make oral representations; and
- (b) may not grant or refuse an application or proposal without first offering any person (other than the applicant) for whom the grant or refusal (as the case may be) would represent a determination of that person's civil rights an opportunity to make oral representations.

Notice of public inquiry or hearing

28. If a public inquiry or a hearing is to be held in relation to an application or proposal, the determining authority must ensure that a notice of the inquiry or hearing is—

- (a) published on an appropriate website;
- (b) served on—
 - (i) the referring authority, if the Planning Inspectorate is the determining authority;
 - (ii) in the case of an application, the applicant;
 - (iii) any person who has made representations in accordance with regulation 25; and
 - (iv) any other person whom the determining authority invited under regulation 27(4)(d) to make written representations; and
- (c) as the determining authority considers necessary, publicised by such other means or served on such other persons as may be appropriate to bring the inquiry to the attention of persons likely to be affected by the application or proposal.

Public inquiries: general provisions

29.—(1) Where it has been decided that a public inquiry is to be held in relation to an application or proposal, the determining authority must appoint an inspector—

- (a) to hold the inquiry; and
- (b) if the inspector is not also to determine the application, to provide a report and recommendation to the determining authority.

(2) Subject to the following provisions of this regulation, and to regulation 31, the procedure at the inquiry is to be determined by the inspector.

(3) Where the inspector does not propose to hold a pre-inquiry meeting, the inspector may give such directions in preparation for the inquiry as might have been given at such a meeting, and giving

directions under this paragraph does not preclude the subsequent holding of a pre-inquiry meeting, if the inspector considers it desirable, nor the inspector's giving further directions at such a meeting.

(4) Any person interested in the subject-matter of an inquiry may appear at the inquiry in person or by a representative.

(5) The inspector may, at any stage of an inquiry, prevent any person from—

- (a) giving evidence;
- (b) cross-examining a person giving evidence; or
- (c) presenting any matter,

if the inspector considers it to be irrelevant or repetitious.

(6) The inspector may—

- (a) require a person to leave an inquiry;
- (b) prevent a person from participating in the inquiry by giving evidence, cross-examining a person giving evidence, or presenting any matter; or
- (c) permit a person to remain at, or participate in, the inquiry only on specified conditions.

(7) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(8) The inspector may take into account any written representations or evidence or any other document received by the inspector from any person before or during an inquiry, provided that the inspector discloses it at the inquiry.

(9) The inspector may—

- (a) adjourn an inquiry to another date;
- (b) adjourn an inquiry to the site of any land affected by the application or proposal, and conduct part of the inquiry at that site in conjunction with a site inspection.

Pre-inquiry meeting

30.—(1) Where it has been decided to hold a public inquiry, the inspector may, if the inspector considers it desirable, hold a pre-inquiry meeting to determine the matters to be addressed and the procedure to be followed at the inquiry.

(2) If the inspector decides to hold a pre-inquiry meeting, not less than 14 days' notice in writing must be given to—

- (a) the applicant, in the case of an application;
- (b) the registration authority;
- (c) any person who has made written representations about the application or proposal; and
- (d) any other person whose presence at the pre-inquiry meeting the inspector considers desirable.

(3) Paragraphs (2) and (4) to (7) of regulation 29 (so far as relevant) apply to pre-inquiry meetings as they apply to inquiries.

(4) The inspector may, at a pre-inquiry meeting—

- (a) give directions about things to be done in preparation for the inquiry to—
 - (i) the applicant, in the case of an application;
 - (ii) the registration authority; and
 - (iii) any other person wishing to appear at the inquiry; and
- (b) specify a date or dates by which any such directions must be complied with.

(5) In particular, the inspector may direct any person wishing to give evidence to serve a written statement of that evidence on—

- (a) the inspector; and
- (b) such other persons as the inspector may specify.

Procedure at inquiries

31.—(1) At the start of an inquiry, the inspector must—

- (a) identify the main issues to be considered at the inquiry;
- (b) identify any matters on which further explanation from any person appearing at the inquiry is required; and
- (c) explain the procedure to be followed at the inquiry.

(2) Paragraph (1)(a) does not preclude other issues from being considered at the inquiry, or (subject to the inspector’s powers under regulation 29(5)) raised by persons appearing at the inquiry.

(3) If a person giving evidence at the inquiry has provided a written statement of evidence in accordance with a direction under regulation 29(3) or 30(5), the inspector may direct that—

- (a) the written statement is to be treated as the person’s evidence, or as part of the person’s evidence; and
- (b) other parties at the inquiry may cross-examine the person on the written statement.

Hearings

32.—(1) Where the Planning Inspectorate decides that a hearing is to be held in relation to an application or proposal for which it is the determining authority, it must appoint an inspector to hold the hearing.

(2) A hearing is to take the form of a discussion led by the inspector.

(3) Paragraphs (2) and (4) to (9) of regulation 29 apply to a hearing as they apply to a public inquiry.

(4) Subject to regulation 29(5) to (7)—

- (a) in the case of an application, the applicant is entitled to give, or to call another person to give, oral evidence; and
- (b) any other person may give oral evidence with the permission of the inspector.

(5) Cross-examination is not permitted unless the inspector decides that it is necessary to ensure a sufficient examination of the issues.

Site inspections

33.—(1) Where an inspector is appointed to hold a public inquiry, the inspector must (unless any permission necessary to do so is refused) inspect the land affected by the application or proposal before determining the application or proposal or producing a report to the determining authority.

(2) In any other case, before an application or proposal is determined, the determining authority may conduct an inspection of the land affected by the application or proposal.

(3) Before a site inspection is made under paragraph (1) or (2) in relation to an application, the inspector or determining authority must ask the applicant whether the applicant wishes to be present or represented.

(4) If the applicant expresses a wish to be present or be represented, the inspector or determining authority must give the applicant reasonable notice of the date and time of the inspection, and give the applicant or their representative the opportunity to be present.

(5) The inspection does not need to be postponed if the applicant or their representative is not present at the appointed time.

Changes of procedure

34.—(1) This regulation applies where notice has been given under regulation 28 that a public inquiry or (where the Planning Inspectorate is the determining authority) a hearing is to be held in relation to the application or proposal.

(2) Where a registration authority is the determining authority it may, subject to paragraph (3), decide at any time before the start of a public inquiry to cancel the inquiry and determine the application without holding an inquiry.

(3) The registration authority must consult the applicant before deciding to cancel a public inquiry in relation to an application.

(4) Where the Planning Inspectorate is the determining authority it may, subject to paragraph (5), decide at any time before the start of a public inquiry or hearing—

- (a) to cancel the inquiry or hearing and determine the application without holding an inquiry or hearing; or
- (b) to hold a hearing instead of an inquiry, or vice versa.

(5) The Planning Inspectorate must consult—

- (a) the applicant, before deciding to change the procedure for determining an application; or
- (b) the referring authority, before deciding to change the procedure for determining a proposal.

Consultation requirement

35. The determining authority must consult Natural England before determining an application to register—

- (a) the creation, under section 6 of the 2006 Act; or
- (b) the variation, under section 7 of that Act,

of a right of common consisting of a right to graze any animal.

Action to be taken following determination of application or proposal

36.—(1) Where an application is granted or a decision is made to give effect to a proposal, in whole or in part, the registration authority must give effect to the determination in the appropriate register by addition, deletion, correction, or otherwise as may be appropriate.

(2) The registration authority must give written notice of the determination to—

- (a) the applicant, if the determination was made upon an application;
- (b) every person who made representations concerning the application or proposal; and
- (c) every person (other than persons mentioned in sub-paragraph (b)) who gave evidence at a public inquiry or hearing, where the name and contact details of the person are known.

(3) Such notice must include—

- (a) reasons for the decision; and
- (b) details of any changes made to the register to give effect to the decision.

(4) The registration authority must publish the decision in relation to any application or proposal, and the reasons for it, on its website.

Award of costs in relation to certain applications

37.—(1) This regulation applies in relation to an application under Schedule 2 to the 2006 Act where—

- (a) the application is referred to the Planning Inspectorate; and
- (b) a public inquiry is held in relation to the application.

(2) The inspector conducting the public inquiry may make an order for costs against any of the persons specified in paragraph (3) who, in the opinion of the inspector, has acted unreasonably, requiring payment to such person mentioned in paragraph (4) as may be specified in the order in respect of costs reasonably incurred by the latter person pursuant to the unreasonable action of the former person.

(3) The persons who may be ordered to pay costs are—

- (a) the applicant;
- (b) any objector taking part in the public inquiry; or
- (c) any registration authority taking part in the public inquiry,

(4) The persons in whose favour an order for costs may be made are—

- (a) the applicant; or
- (b) any objector taking part in the public inquiry.

PART 4

Miscellaneous

The transitional period and transitional application period

38.—(1) For a 2014 registration authority, the transitional period for the purposes of paragraphs 2 to 5 of Schedule 3 to the 2006 Act is the period from 15th December 2014 to 14th December 2018.

(2) The “transitional application period” means the period in which applications may be made to a 2014 registration authority for the purposes of paragraph 2 of Schedule 3 to the 2006 Act, without payment of a fee, for its registers to be amended during the transitional period.

(3) The transitional application period is the period from 15th December 2014 to 14th December 2017.

Notice of the transitional period

39.—(1) Each 2014 registration authority must, as soon as reasonably practicable after 15th December 2014, publicise the transitional period in its area by—

- (a) placing a notice of the transitional period on its website; and
- (b) serving notice of the transitional period on—
 - (i) every other local authority in its area;
 - (ii) any body appearing to it to be representative of persons entitled to exercise rights of common on any registered land in its area; and
 - (iii) such other persons as the 2014 registration authority thinks fit.

- (2) A notice pursuant to paragraph (1) must contain the following details—
- (a) a reference to Schedule 3 to the Commons Act 2006;
 - (b) the name of the 2014 registration authority, and a description of its registration area;
 - (c) a summary of the purpose and effect of the transitional period;
 - (d) an explanation of what qualifying events may be registered;
 - (e) the dates on which the transitional period and the transitional application period begin and end;
 - (f) an explanation of how to make an application during the transitional application period;
 - (g) the name and address of a person from whom further information may be obtained;
 - (h) an address at which the registers may be inspected;
 - (i) an explanation of the possible effects of failing to apply during the transitional application period to register a qualifying event which was not registered under the 1965 Act, including—
 - (i) that a fee will be payable for any application made after the end of that period;
 - (ii) that a qualifying event may not be registered pursuant to an application made after the end of that period, if it would be unfair to do so by reason of any reliance placed on the registers since the end of that period; and
 - (iii) that if a qualifying event has not been registered by the end of the transitional period, rights of common may be extinguished, or rights previously surrendered or extinguished may be revived.

Review of the registers

40. Each 2014 registration authority must, during the period 15th December 2014 to 14th December 2017—

- (a) carry out a review of the information contained in its register of common land and its register of town or village greens;
- (b) consider whether to make any proposals in consequence of qualifying events; and
- (c) in relation to any proposal which it decides to make—
 - (i) prepare a statement of the proposal in accordance with regulation 18(1); and
 - (ii) publicise the proposal in accordance with regulation 22.

Determination of applications and proposals to amend the registers

41.—(1) By the end of the transitional period—

- (a) the determining authority must determine—
 - (i) any application for the purposes of paragraph 2 of Schedule 3 to the 2006 Act which was made to the 2014 registration authority during the transitional application period; and
 - (ii) any proposal by the 2014 registration authority for such purposes; and
- (b) the 2014 registration authority must make any amendment to its registers which is required in consequence of a determination pursuant to sub-paragraph (a).

(2) Paragraph (3) applies for the purposes of determining an application or proposal made for the purposes of Schedule 3 to the 2006 Act to amend a register to record the severance of a right of common from land to which it was attached.

(3) A right of common attached to land is not to be treated as having been severed from that land in consequence of a qualifying event, unless the determining authority is satisfied that the severance was lawful and—

- (a) there is documentary evidence showing that the parties to the transaction or disposition which is a qualifying event intended the transaction or disposition to have the effect of severing the right of common; or
- (b) there is evidence that the right of common has been treated since the qualifying event as having been severed.

(4) Paragraph (5) applies where a determining authority is determining an application made for the purposes of paragraph 4 of Schedule 3 to the 2006 Act, which was made after the end of the transitional period.

(5) Where this paragraph applies, the determining authority may not determine that a register entry should be amended if it considers that, by reason of reliance reasonably placed on the register by a person since the end of the transitional period, it would be unfair to do so.

Further amendment of registers under Schedule 3 to the 2006 Act

42.—(1) A 2014 registration authority may, subject to regulation 41(5), amend its registers after the end of the transitional period in consequence of a qualifying event, pursuant to an application made before or after the end of that period.

(2) Where, after the end of the transitional period, a right of common is registered in consequence of a qualifying event, paragraph 3 of Schedule 3 to the 2006 Act is to be treated as not having applied to that right of common.

(3) An original registration authority may, subject to paragraphs (4) to (6), amend its registers in consequence of a qualifying event (as described in paragraph 2(2) of Schedule 3 to the 2006 Act) pursuant to an application made to that authority.

(4) For the purposes of determining an application made for the purposes of Schedule 3 to the 2006 Act to amend a register to record the severance of a right of common from land to which it was attached, a right of common attached to land is not to be treated as having been severed from that land in consequence of a qualifying event, unless the determining authority is satisfied that the severance was lawful and—

- (a) there is documentary evidence showing that the parties to the transaction or disposition which is a qualifying event intended the transaction or disposition to have the effect of severing the right of common; or
- (b) there is evidence that the right of common has been treated since the qualifying event as having been severed.

(5) The determining authority may not determine that a register entry should be amended if it considers that, by reason of reliance reasonably placed on the register by a person since 1st October 2011, it would be unfair to do so.

(6) Where a right of common is registered in consequence of a qualifying event, paragraph 3 of Schedule 3 to the 2006 Act is to be treated as not having applied to that right of common.

Declaration of entitlement to exercise a right of common

43.—(1) The owner of—

- (a) a freehold estate in land to which a right of common is attached; or
- (b) a leasehold estate in any such land (excluding one that is granted for a term of six months or less from the date of grant),

may apply to amend the relevant entry in the rights section of the register unit relating to all or part of the land over which the right is exercisable, to record a declaration of the applicant's entitlement to exercise the right.

- (2) An applicant must provide one of the following with an application under paragraph (1)—
 - (a) a copy of the individual register to all or part of the land to which the right is attached, which records the applicant's ownership of an estate referred to in paragraph (1); or
 - (b) where the land is not registered in the individual register, other evidence of the applicant's ownership of an estate referred to in paragraph (1).
- (3) An applicant must also provide details of—
 - (a) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates; and
 - (b) where the declaration relates to only part of the land to which the right of common in the register entry is shown as attached, an explanation of how the applicant has calculated the extent to which the right of common is exercisable in relation to the part of the land to which the declaration relates.
- (4) On receipt of an application under this regulation, the registration authority must allocate a reference number to it.
- (5) Where a declaration is entered in a register pursuant to an application under this regulation, the registration authority must send the applicant a copy of the entry.
- (6) If a registration authority believes that an entry made in a register pursuant to an application under this regulation contains a material error, or that the person who made the declaration is no longer the owner of the land to which the right of common is attached, it may, subject to paragraph (7), cancel the declaration.
- (7) Before cancelling the declaration the registration authority must—
 - (a) serve on the person who made the declaration notice in writing of its intention to do so; and
 - (b) consider any representations made by that person within 28 days of being served with the notice.
- (8) In this regulation, "individual register" means the register so named in rule 2 of the Land Registration Rules 2003⁽⁸⁾, the contents and arrangement of which are described in rules 3 and 4 of those Rules.

Operation at law of relevant instruments effecting statutory dispositions

- 44.—**(1) This regulation applies where a relevant instrument—
- (a) in relation to any registered land, extinguishes—
 - (i) a right of common; or
 - (ii) a right of access for open air recreation (however expressed);
 - (b) in relation to any land registered as a town or village green, extinguishes a right to indulge in lawful sports or pastimes (however expressed);
 - (c) confers, or vests in any person, a right over other land in exchange for a right which is extinguished as mentioned in sub-paragraph (a) or (b);
 - (d) causes any registered land to cease to be common land or a town or village green; or
 - (e) causes any land to become common land or a town or village green.

(8) [S.I. 2003/1417](#), to which there are amendments not relevant to these Regulations.

(2) The relevant instrument does not, to the extent that it has any of the effects mentioned in paragraph (1), operate at law until, further to the granting of an application made under paragraph 8 of Schedule 4, the disposition effected by that instrument is registered in the register of common land or the register of town or village greens.

(3) In paragraphs (1) and (2) “relevant instrument” means a relevant instrument (as defined in section 14(3) of the 2006 Act) to which that paragraph applies.

(4) In paragraph (2) “disposition” means a disposition to which paragraph 8 of Schedule 4 applies.

Severance by transfer to Natural England

45.—(1) A notice under paragraph 1(2) of Schedule 1 to the 2006 Act of a proposal to sever a right of common from the land to which it is attached by transferring it on its own to Natural England must, in addition to the matters set out in paragraph 1(3) of Schedule 1 to the 2006 Act—

- (a) contain an extract of the relevant entry in the rights section of the register unit relating to the registration of the right of common, which must include the information specified in paragraph (2);
- (b) state whether, and if so to what extent, the right of common has been exercised during the period of five years prior to the giving of the notice; and
- (c) specify the earliest date on which the application by Natural England under paragraph 1(6)(b) of Schedule 1 to the 2006 Act is intended to be made.

(2) The extract from the register required by paragraph (1)(a) must include—

- (a) a description of the right of common;
- (b) the rights section entry number of the register entry for the right of common;
- (c) a description of the land to which the right of common is attached;
- (d) the register unit number of the land over which the right of common is exercisable; and
- (e) where the right of common is exercisable over part only of that register unit, a description of that part of the register unit over which the right is exercisable.

Matters affecting the public

46.—(1) Where registered land is affected by any of the matters referred to in paragraph (2), the registration authority—

- (a) must, on an application made in accordance with this regulation, enter a note of the matter in the land section of the register; and
- (b) may enter such a note on its own initiative.

(2) Those matters are—

- (a) a scheme made under Part 1 of the Commons Act 1899⁽⁹⁾ or under the Metropolitan Commons Acts 1866 to 1898⁽¹⁰⁾;
- (b) a local Act regulating the land;
- (c) an order of regulation made under the Commons Act 1876⁽¹¹⁾ and confirmed by a Provisional Order Confirmation Act;
- (d) a declaration made by deed under section 193(2) of the Law of Property Act 1925⁽¹²⁾ which declares that that section is to apply to the land;

⁽⁹⁾ 1899 c. 30.

⁽¹⁰⁾ 1866 c. 122, 1869 c. 107, 1878 c. 71, and 1898 c. 43.

⁽¹¹⁾ 1876 c. 56.

⁽¹²⁾ 1925 c. 20.

- (e) a limitation and condition imposed under proviso (b) to section 193(1)(13) of the Law of Property Act 1925;
 - (f) an order made under Part 2 of the 2006 Act establishing a commons council.
- (3) An application under this regulation may be made by—
- (a) any local authority (other than the registration authority) in whose area any part of the land lies;
 - (b) any person with a function relating to the management or regulation of the land, conferred by an instrument or enactment mentioned in paragraph (2)(a), (b) or (c); or
 - (c) in the case of an application to note a matter referred to in paragraph (2)(d) or (e)—
 - (i) the owner of any part of the land;
 - (ii) any person appearing from the register to be entitled to exercise a right of common over the land.
- (4) Where a note is entered in a register pursuant to an application, the registration authority must send the applicant a copy of the entry.
- (5) If a registration authority is satisfied on reasonable grounds that the matter to which it relates is no longer subsisting, the registration authority may cancel any note entered in a register.

Registration under Land Registration Act 2002

- 47.**—(1) Paragraphs (2) and (3) apply in relation to any registered land where—
- (a) the register unit contains an ownership section; and
 - (b) the registration authority is notified by the Chief Land Registrar that the land has become registered in the register of title.
- (2) If the ownership of the land is not registered in the ownership section of the register unit, the registration authority must insert a note in the ownership section.
- (3) If the ownership of the land is registered in the ownership section of the register unit, the registration authority must (in addition to deleting the registration of the ownership as required by paragraph 8(2) of Schedule 3 to the 2006 Act) insert a note in the ownership section.

Deregistration and exchange: action to be taken by registration authority on receipt of order

- 48.**—(1) Paragraph (2) applies where the Secretary of State has granted an application under section 16 of the 2006 Act and made an order to a registration authority under section 17(1), or under section 17(1) and (2), of the 2006 Act.
- (2) When the registration authority has amended its registers in accordance with the order, it must give written notice of that fact, including details of the amendment made, to—
- (a) the applicant under section 16 of the 2006 Act; and
 - (b) the Secretary of State.

Vacant benefices

- 49.** Where any land or rights of common belong to an ecclesiastical benefice of the Church of England and the benefice is vacant, anything done with respect to the land or rights of common which, if the benefice had an incumbent, might by virtue of the 2006 Act or these Regulations be

(13) 1925 c. 20. Section 193(1) was amended by section 189(4) of, and Schedule 30 to, the Local Government Act 1972 (c. 70), paragraph 10(5) of Schedule 8 to the Local Government Act 1985 (c. 51), paragraph 7 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), and paragraph 1 of Schedule 4 to the Countryside and Rights of Way Act 2000 (c. 37).

done by or to the incumbent may be done by or to the Diocesan Board of Finance for the diocese in which the land is situated.

PART 5

Supplemental

Electronic communications

50.—(1) Any requirement by or under these Regulations for a person to send a notice or document to another person may be met by means of an electronic communication if—

- (a) it results in the information contained in that notice or document being available to the other person in a form similar to the form in which it would appear in a notice or document sent in printed form; and
- (b) except where the other person is the determining authority, the other person consents to the notice or document being sent by those means.

(2) A person who has provided an e-mail address is to be treated as consenting to a document being sent by e-mail.

(3) Any requirement in these Regulations for a document to be signed does not apply in the case of a document sent by means of an electronic communication.

(4) Paragraphs (1) and (3) do not apply in relation to the submission of an application form to a registration authority.

Service of documents

51. Any requirement in these Regulations to serve a document on another person is satisfied, if that person cannot be found, by—

- (a) leaving the document at that person’s last known address; or
- (b) sending the document by post to that address.

Inspection and copying of documents

52.—(1) Any request to inspect or make copies of any document referred to in section 20(1)(b) or (c) of the 2006 Act must be treated by the registration authority as a request for information under the relevant legislation.

(2) Where the relevant legislation does not require the information contained in the document to be communicated or made available, the registration authority may refuse to permit inspection, or copies to be taken, of that document.

(3) In this regulation and in regulation 53, “relevant legislation” means the Environmental Information Regulations 2004(14) or the Freedom of Information Act 2000(15).

Official copies

53.—(1) Any person may request a registration authority to provide an official copy of, or of any part of, any register or document referred to in section 21(1) of the 2006 Act.

(14) S.I. 2004/3391.
(15) 2000 c. 36.

(2) A registration authority may charge a fee for providing an official copy, not exceeding its costs in providing official copies.

(3) Subject to paragraph (4), upon receiving a request for an official copy, and payment of any fee, a registration authority must provide an extract from the register or a copy of the document, certified on behalf of the registration authority as a true extract or copy as at the date of issue.

(4) A registration authority may refuse a request to provide an official copy of, or of any part of, a document referred to in section 20(1)(b) or (c) of the 2006 Act where the relevant legislation does not require the information contained in the document to be communicated or made available.

Revocations, transitional and savings provisions

54.—(1) The following enactments are revoked—

- (a) the Commons Registration (England) Regulations 2008⁽¹⁶⁾; and
- (b) the Commons Registration (England) (Amendment) Regulations 2009⁽¹⁷⁾.

(2) The following enactments cease to have effect in relation to the registration areas in England of Cumbria County Council and North Yorkshire County Council—

- (a) the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007⁽¹⁸⁾ (“the 2007 Town or Village Greens Regulations”); and
- (b) the Commons (Deregistration and Exchange Orders) (Interim Arrangements) (England) Regulations 2007⁽¹⁹⁾.

(3) Paragraphs (4) and (5) apply in relation to any application made—

- (a) to an original registration authority before 1st October 2008; or
- (b) to a 2014 registration authority before 15th December 2014,

under section 15 of the 2006 Act in accordance with the 2007 Town or Village Greens Regulations if, by 15th December 2014, the application has not been determined, or if any amendment remains to be made to a register in consequence of the determination of the application.

(4) Nothing in this regulation affects the validity of anything done in relation to an application—

- (a) by an original registration authority before 1st October 2008; or
- (b) by a 2014 registration authority before 15th December 2014,

which was done in accordance with the 2007 Town or Village Greens Regulations.

(5) These Regulations apply in relation to an application from 15th December 2014, except for—

- (a) regulations 15 to 19 and, in regulation 26(3), the words beginning with “where the registration authority” and ending with “to determine it, or”, and Schedule 4; and
- (b) any other provision which corresponds (whether or not in identical terms) to a provision of the 2007 Town or Village Greens Regulations which has already been complied with.

⁽¹⁶⁾ [S.I. 2008/1961](#), amended by [S.I. 2009/2018](#).

⁽¹⁷⁾ [S.I. 2009/2018](#).

⁽¹⁸⁾ [S.I. 2007/457](#); this instrument and [S.I. 2007/2585](#) ceased to have effect (subject to transitional provisions which are continued in these Regulations) in relation to the original registration authorities by virtue of regulation 55 of [S.I. 2008/1961](#).

⁽¹⁹⁾ [S.I. 2007/2585](#).

12th November 2014

de Mauley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs