
WELSH STATUTORY INSTRUMENTS

2018 No. 1100 (W. 230)

COMMONS, WALES

The Town and Village Greens (Landowner Statements) (Wales) (No. 2) Regulations 2018

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| <i>Made</i> | - - - - | <i>17 October 2018</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>19 October 2018</i> |
| <i>Coming into force</i> | - - | <i>22 October 2018</i> |

The Welsh Ministers, in exercise of the powers conferred on the appropriate national authority by sections 15A, 15B and 59 of the Commons Act 2006⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Village Greens (Landowner Statements) (Wales) (No. 2) Regulations 2018 and they come into force on 22 October 2018.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 2006 Act” (“*Deddf 2006*”) means the Commons Act 2006;

“the authority” (“*yr awdurdod*”) means the commons registration authority;

“notice of deposit” (“*hysbysiad adneuo*”) has the meaning given in regulation 6(3)(b);

“register” (“*cofrestr*”) means the register which the authority is required to keep under section 15B(1) of the 2006 Act with respect to maps and statements deposited under section 15A of that Act;

“relevant land” (“*tir perthnasol*”) means the land to which the statement in question relates;

“relevant owner” (“*perchennog perthnasol*”) means the owner depositing a statement;

“statement” (“*datganiad*”) means a statement under section 15A(1) of the 2006 Act.

(1) 2006 c. 26. Sections 15A and 15B were inserted by section 15 of the Growth and Infrastructure Act 2013 (c. 27). Section 15A was amended by section 53 of the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”). For the definition of “prescribed” see sections 15A(9) and 15B(5). See the definitions of “regulations” and “appropriate national authority” in section 61(1). Section 55 of, and paragraph 9 of Schedule 7 to, the 2015 Act amended section 61(1) so that the “appropriate national authority” means the Welsh Ministers in relation to Wales.

Prescribed forms of statement and map

3.—(1) A statement under section 15A(1) of the 2006 Act must be—

- (a) in the form set out in Schedule 1, or in a form substantially to the like effect, with such insertions or omissions as are necessary in a particular case; and
- (b) signed—
 - (i) by, or by a duly authorised representative of, every owner of the relevant land who is an individual; and
 - (ii) by the secretary or some other duly authorised officer of every owner of the relevant land which is a body corporate or an unincorporated association.

(2) The map which must accompany the statement in accordance with section 15A(3) of the 2006 Act must be an Ordnance Map, at a scale of not less than 1:10,560, showing the boundary of the relevant land in coloured edging.

Fees

4.—(1) The authority may determine a reasonable fee for the deposit of a statement.

(2) The relevant owner must pay any fee determined in accordance with paragraph (1) to the authority.

Timing of deposit

5. A statement is to be regarded as having been deposited under section 15A(1) of the 2006 Act on the day when the following have been received by the authority—

- (a) a statement which complies with regulation 3(1);
- (b) a map which complies with regulation 3(2); and
- (c) any fee payable in accordance with regulation 4.

Managing and publicising the statement

6.—(1) Where the authority considers that any of the requirements referred to in regulation 3 or 4(2) have not been complied with, it must give notice to the relevant owner to that effect.

(2) Such notice must—

- (a) identify the requirement in question; and
- (b) set out the reasons why the authority considers that any requirement has not been complied with.

(3) As soon as practicable after receiving a statement in accordance with regulation 3(1), a map in accordance with regulation 3(2) and any fee required by regulation 4, the authority must—

- (a) send an acknowledgement of receipt to the relevant owner; and
- (b) give notice that a statement has been deposited (“notice of deposit”) in accordance with paragraph (4).

(4) The authority must—

- (a) publish notice of deposit on its website;
- (b) serve notice of deposit on any person who has previously asked to be informed of all statements that have been deposited with the authority and who has given the authority an email or postal address for that purpose;
- (c) display notice of deposit for at least 60 days—

- (i) at or near at least one obvious place of entry to the relevant land; or
- (ii) in any case where there are no such places, at or near at least one conspicuous place on the boundary of such land.

(5) The notices required by paragraph (4) must be in the form set out in Schedule 2, or in a form substantially to the like effect, with such insertions or omissions as are necessary in a particular place.

(6) Where a notice displayed under paragraph (4)(c) is, without any fault or intention of the authority, removed, obscured or defaced before the period of 60 days has elapsed, the authority is to be treated as having complied with the requirements of that paragraph.

Information to be contained in the register

7.—(1) The register must include—

- (a) the contact details of the person in the authority to whom enquiries about the register may be made;
- (b) an index to the register; and
- (c) any other information which the authority considers appropriate.

(2) The register must contain the following information with respect to each map and statement deposited with the authority—

- (a) a copy of the map and any legend accompanying or forming part of the map;
- (b) a copy of Part B of the statement;
- (c) the name and address, including the postcode, of the relevant owner;
- (d) the date on which the statement and map were deposited with the authority;
- (e) details of the land delineated on the map, including—
 - (i) the Ordnance Survey six-figure grid reference of a point within the area delineated;
 - (ii) the name of the electoral ward, district or community in which the land is situated;
 - (iii) the address and postcode of those buildings on the land to which a postcode has been assigned; and
 - (iv) the name of the town or city which is nearest to the point referred to in paragraph (i).

Manner of keeping the register

8.—(1) The register must—

- (a) be kept in electronic and paper form;
- (b) be kept in parts so that each part—
 - (i) relates to land within a particular electoral ward, district or community; and
 - (ii) contains the information referred to in regulation 7.

(2) The authority must keep the register in such manner as is suitable to enable a copy of any of the particulars contained in the register to be taken by or for any person who requests a copy in person at the relevant office.

(3) The paper version of the register must be kept at the relevant office.

(4) In this regulation “relevant office” (“*swyddfa berthnasol*”) means—

- (a) where the authority has specified an office for the purpose of these Regulations on its website, the office so specified;
- (b) otherwise, the principal office of the authority.

Removal of entries from the register

9.—(1) The authority may remove an entry from the register, or any part of an entry, if it is satisfied that the map or statement in question contains a material error.

(2) Before removing an entry from the register, the authority must give to the relevant owner not less than 28 days notice of its intention to do so.

Revocation of the Town and Village Greens (Landowner Statements) (Wales) Regulations 2018

10. The Town and Village Greens (Landowner Statements) (Wales) Regulations 2018(2) are revoked.

17 October 2018

Lesley Griffiths
Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

SCHEDULE 1

Regulation 3(1)(a)

Form of Statement

Form of statement under section 15A(1) of the Commons Act 2006

Please read the following guidance before completing this form

1. Parts A to C must be completed in all cases.
2. The statement must be signed and dated by, or by a duly authorised representative of, every owner of land to which the statement relates who is an individual; and by the secretary or some other duly authorised officer of every owner of land to which the statement relates where that owner is a body corporate or an unincorporated association.
3. In the case of land in joint ownership, all the joint owners must complete paragraphs 2 and 3 of Part A and complete and sign Part C, unless a duly authorised representative completes and signs the form on behalf of all the owners of the land. Paragraph 2 of Part A must be completed in full to clearly explain the capacity of the person submitting the statement for deposit (e.g. trustee, landowner's managing agent, executor etc.).
4. 'Owner' is defined in section 61(3) of the Commons Act 2006 and broadly means a legal owner of the freehold interest in the land.
5. Where the statement relates to more than one parcel of land, a description of each parcel should be included in paragraph 5 of Part A and the remainder of the form should be completed to clearly identify which statement relates to which parcel of land. This may require the insertion of additional wording. Multiple parcels of land must be clearly identified by coloured edging on any accompanying map.
6. A statement must be accompanied by an ordnance map, which must be at a scale of not less than 1:10,560 showing the boundary of the land to which the statement relates in coloured edging.
7. A statement must be accompanied by the requisite fee – please consult the relevant Commons Registration Authority for further details.

PART A: Information relating to the person submitting the statement for deposit and land to which the statement relates

1. Name of the commons registration authority (or authorities) to which the statement is addressed:
2. Status of person submitting the statement for deposit (tick relevant box or boxes):
I am:
(a) The owner of the land described in paragraph 5
(b) Submitting the statement for deposit on behalf of [*insert name of the landowner*] who is

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the owner of the land described in paragraph 5 in my capacity as *[insert details]*

3. Name, full postal address (including postcode), email address and contact telephone number of the owner(s) of the land to which the statement relates. If there is more than one landowner, the names, full postal addresses (including postcodes), email addresses and contact telephone numbers of all landowners must be stated:
4. Name, full postal address (including postcode), email address and contact telephone number of any person submitting the statement for deposit on behalf of the owner(s):
5. Description of the land to which the statement relates (including full address and postcode):
6. Ordnance Survey six-figure grid reference(s) of a point within the area of the land to which the statement relates (if known):

PART B: Statement under section 15A(1) of the Commons Act 2006

[I am / *[insert name of owner]* is] the owner of the land described in paragraph 5 of Part A of this form and shown coloured *[insert colour]* on the map accompanying this statement.

[I / *[insert name of owner of the land]*] *[wish/wishes]* to bring to an end any period during which persons may have indulged as of right in lawful sports and pastimes on the whole or any part of the land shown coloured *[insert colour]* on the accompanying map.

(delete wording in square brackets as appropriate and/or insert information as required)

PART C: Statement of truth

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

I believe the facts and matters contained in this form are true

Signature (of the person making the statement of truth):

Full name (printed):

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Date (day / month / year):

You should keep a copy of the completed form

PART D: Additional information relevant to the statement

Insert any additional information relevant to the statement

SCHEDULE 2

Regulation 6(5)

Form of Notice of Deposit

Notice of landowner deposits under section 15A(1) of the Commons Act 2006

[Insert name of relevant Commons Registration Authority]

A statement under section 15A(1) of the Commons Act 2006 (“the 2006 Act”) has been deposited in relation to the land described below and shown *[insert colouring]* on the accompanying map.

PLEASE NOTE:

Deposits made under section 15A(1) of the 2006 Act may affect the ability to register such land as a town or village green under section 15 of that Act.

Description of the land(s) (including full address and postcode):

The statement was submitted [for deposit by *[insert name of owner]* / [on behalf of *[insert name of stated owner]*] and was received by this authority on *[insert date]*.

The authority maintains a register of maps and statements under section 15B of the 2006 Act.

The register can be accessed online at *[insert web address and link]* or can be inspected free of charge at the address and times indicated below:

[Insert address of where the register can be viewed]

[Insert opening times of the address where the register can be viewed]

Signed on behalf of *[name of authority]*:

Name and position of signatory:

Date:

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Land may be registered as a town or village green in the circumstances specified in section 15 of the Commons Act 2006 (“the 2006 Act”). A characteristic of each of those circumstances is that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, must have indulged ‘as of right’ in lawful sports and pastimes on the land in question for a period of at least 20 years.

Section 15A(1) of the 2006 Act permits the owner of such land to deposit with the commons registration authority a statement, the effect of which is to bring to an end any period during which persons have indulged as of right in lawful sports and pastimes on the land to which the statement relates. The statement must be accompanied by a map.

These Regulations make provision in respect of the deposit of statements under section 15A(1) of the 2006 Act and associated matters.

Regulation 3 prescribes the form of statement that may be deposited with the commons registration authority and the form of the map which must accompany it.

Regulation 4 enables the commons registration authority to prescribe a reasonable fee in relation to the deposit of a statement

Regulation 5 makes provision relating to when a statement is to be treated as having been deposited with the commons registration authority.

Regulation 6 makes provision relating to the manner in which the commons registration authority must manage and publicise the deposit of a statement.

Regulation 7 contains requirements relating to specific information that must be included in the register required under section 15B(1) of the 2006 Act.

Regulation 8 makes provision relating to the manner in which that register required under section 15B(1) of the 2006 Act must be kept by the commons registration authority, including requirements relating to paper and electronic versions.

Regulation 9 makes provision which permits the commons registration authority to remove an entry from that register, or any part of an entry, in the case of a material error, subject to prior notice.

Regulation 10 revokes the Town and Village Greens (Landowner Statements) (Wales) Regulations 2018.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.