

**ELIZABETH II**



**1978 CHAPTER viii**

An Act to make provision for the reconstitution and validation of the register of common land maintained under the Commons Registration Act 1965 for the former county of Cardigan; and for other purposes.

[30th June 1978]

**WHEREAS—**

(1) The county of Dyfed comprises the areas of the former administrative counties of Cardiganshire, Carmarthenshire and Pembrokeshire as existing before the passing of the Local Government Act 1972:

1972 c. 70.

(2) Under the Commons Registration Act 1965 (in this Act 1965 c. 64. referred to as "the Act of 1965") each of the county councils for those former counties were the registration authority for their area, subject as mentioned in section 2 (2) of that Act, and, under the said Act of 1972, their functions as registration authorities devolved upon the Dyfed County Council:

(3) The registers maintained by the former Cardiganshire County Council have been compiled with care and record the matters which under the Act of 1965 are required to be shown

in the registers but the form of the register of common land maintained by the former county council other than the general part of that register (in this Act referred to as "the Cardiganshire register") does not accord with the requirements prescribed by various regulations made under the Act of 1965, as amended from time to time by further such regulations:

(4) The Dyfed County Council have been advised that the system followed in compiling the Cardiganshire register differs so radically from the system prescribed by the said regulations that the effect in law of the register so maintained is open to question:

(5) In order to remove uncertainty as to the applications for registration and objections thereto and other matters recorded in the Cardiganshire register, and facilitate references to the Commons Commissioners under the Act of 1965, the Dyfed County Council intend to reconstitute the Cardiganshire register so that it will show in due form all matters required to be shown by or under the Act of 1965 in pursuance of the applications for registration and objections thereto as at the date at which the relevant entries were so required to be made, having regard to any subsequent notation or alteration of the register so required or authorised:

(6) For these purposes and to avoid uncertainty as to the status of common land and rights in common land registered in the former Cardiganshire registration area, it is expedient to make provision with respect to the reconstitution, and for the validation, of the Cardiganshire register and to make such other provisions for these purposes as are contained in this Act:

(7) The purposes of this Act cannot be achieved without the authority of Parliament:

(8) On the promotion of the Bill for this Act the Dyfed County Council have observed the requirements of section 239 of the said Act of 1972:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Citation and commencement.

1.—(1) This Act may be cited as the Commons Registration (Cardiganshire) Act 1978.

(2) This Act shall come into operation on 1st July, 1978.

Interpretation and general.  
1965 c. 64.

2.—(1) In this Act, unless the context otherwise requires—  
"the Act of 1965" means the Commons Registration Act 1965;

“ the Cardiganshire register ” means the register of common land maintained for the registration area of the former Cardiganshire County Council, excluding the general part of that register;

“ the County Council ” means the Dyfed County Council;

“ the existing register ” means the Cardiganshire register as existing at the commencement of this Act;

“ the new register ” means the Cardiganshire register to be reconstituted, or, as the case may require, as reconstituted, as provided in this Act; and “ new register unit ” means a register unit in the new register;

“ registration ” includes registration under section 4 of the Act of 1965 and an entry in the register made in pursuance of section 13 of that Act.

(2) A reference in any provision of this Act to the proper officer is a reference to the officer appointed by the County Council for purposes which include the purpose of that provision.

(3) Except as otherwise provided in this Act, expressions used in this Act and in the Act of 1965, or the regulations made under that Act, have the same meaning as in that Act and those regulations.

(4) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any enactment.

(5) Notice is duly given by or to the County Council to or by any person under this Act if given in accordance with section 231 or, as the case may be, 233 of the Local Government Act 1972. 1972 c. 70.

3.—(1) As soon as may be after the commencement of this Act, the County Council shall complete the drawing of the new register in accordance with this section. Reconstitution of Cardiganshire register.

(2) Subject as provided in subsection (3) below, the new register shall be so drawn in accordance with the statutory requirements made by or under the Act of 1965 (other than requirements as to the date or dates by which any entries in the register must be made, cancelled or modified) that—

(a) effect shall be given in the new register to all applications for registration made to the registration authority on or before 2nd January, 1970, and not withdrawn or rejected;

(b) there shall be noted in the new register all objections to any registration, being objections made, or deemed to have been made, to the registration authority on or before 30th September, 1970, in the case of objection to a first period registration, and on or before 31st July, 1972, in the case of objection to a second period registration, and not in either case rejected;

- (c) effect shall be given in the new register to any amendment, correction or other alteration of the Cardiganshire register required or authorised by or under the Act of 1965; and
- (d) there shall be noted or indicated in the new register all other matters required to be noted or indicated by or under the Act of 1965.

(3) Where, but for this subsection, in drawing the new register for compliance with subsection (2) above in respect of any matter, any difference which may affect the substance of rights and liabilities under the Act of 1965 would arise between the manner in which that matter then falls to be disposed of or otherwise dealt with and the manner in which that matter was disposed of or dealt with in preparing and maintaining the existing register, the difference shall be determined by reference to the manner in which that matter was disposed of or dealt with in preparing and maintaining the existing register.

(4) Nothing in this section shall prejudice the power of the County Council to note in the new register any matter authorised to be noted by or under the Act of 1965.

Invitation of requests for notification of new registration.

4.—(1) Not later than one month from the commencement of this Act, the County Council shall publish, at least once in each of two successive weeks in one or more newspapers circulating in the former county of Cardigan, an advertisement stating—

- (a) the general effect of this Act; and
- (b) that any person who is or may be concerned by any registration in the Cardiganshire register may request the County Council to give him notice of the drawing of any register unit or units of the new register relevant to his interest, stating in his request—
  - (i) his name and address;
  - (ii) the interest (specifying the land in question) in respect of which he is or may be so concerned; and
  - (iii) if he so desires, the name and address of any other person to whom such notice should be given on his behalf.

(2) The advertisement published under subsection (1) above shall also state the latest date, not less than six months from the commencement of this Act, for the making of a request to the County Council for entitlement under section 5 (Notification of new registration) of this Act to notice of the drawing of any new register unit.

(3) Not later than one month from the commencement of this Act, the County Council shall publish in the London Gazette notice of the commencement of this Act specifying a local newspaper in which the advertisement required by subsection (1) above will be found.

5.—(1) When a register unit of the new register has been drawn, the County Council shall give notice thereof—

Notification  
of new  
registration.

- (a) specifying the land comprised in the register unit;
- (b) specifying at least one place in the former county of Cardigan where copies of the documents mentioned in subsection (3) below may be inspected by any person free of charge at all reasonable times during the period of six months from the date of the first publication of the notice; and
- (c) stating the effect of section 6 (Determination of new register units) of this Act and the latest date for the submission of representations to the County Council for the purposes of that section.

(2) Notice under subsection (1) above shall be given—

- (a) by publishing the notice in a newspaper circulating in the area in which the land comprised in the register unit is situated and, as soon as possible thereafter, in the London Gazette; and
- (b) by sending, not later than the date on which the notice is first published, a copy of the notice together with copies of the documents mentioned in subsection (3) below to each of the following:—
  - (i) any concerned authority;
  - (ii) any person who has, in accordance with section 4 (Invitation of requests for notification of new registration) of this Act, requested notice of the register unit, at the address for notification stated in his request; and
  - (iii) any person by whom, or on whose behalf, there was made any such application as is referred to in section 3 (2) (a) of this Act or any such objection as is referred to in section 3 (2) (b) of this Act, being an application for any registration to which effect is given in the register unit or an objection to any such registration, at the address stated in the application or, as the case may be, the objection.

(3) The documents referred to in subsections (1) and (2) above are the following:—

- (a) a copy of the register unit;
- (b) an extract from the register map showing the land comprised in the register unit; and
- (c) any supplemental map referred to in the register unit.

Determination  
of new  
register units.

6.—(1) If, within the period of six months from the date of the first publication under section 5 (Notification of new registration) of this Act of notice of the drawing of a register unit of the new register, representations are made to the County Council that in respect of any matter the new register unit does not comply with section 3 (Reconstitution of Cardiganshire register) of this Act, the County Council shall consider the representations and give to each authority or person by whom any such representations have been made, and to any other person whom the County Council have reason to believe (whether from information supplied by him or otherwise) has an interest in the matter, an opportunity of being heard, by a person appointed by the County Council for the purpose, at a time and place notified to them.

(2) The County Council shall, after considering any such representations and, if a person is appointed to hear representations, the report of that person, determine whether or not to modify the new register unit to take into account those representations.

(3) Upon the determination of any matter under subsection (2) above the County Council shall send to each authority and person concerned notice of their determination and, where they have determined to modify a new register unit, a copy of the register unit as modified.

(4) If required by any person, within seven days of the receipt by him of notice under subsection (3) above of any determination of the County Council, the County Council shall give to him a statement of the grounds upon which that determination is based.

Validity of  
register.

7.—(1) (a) Upon the determination by the County Council of all matters affecting a new register unit under section 6 (Determination of new register units) of this Act, that register unit shall be certified by the proper officer.

(b) If, within the period of six months from the date of the first publication under section 5 (Notification of new registration) of this Act of notice of the drawing of a register unit of the new register, no such representations as are referred to in subsection (1) of the said section 6 are made to the County Council in respect of any matter affecting that register unit, that register unit shall be certified by the proper officer.

(c) The certification of a register unit in the new register under this subsection shall be made by a note in the general part of the register signed by the proper officer.

(2) On the certification by the proper officer of a register unit in the new register under subsection (1) above, then in respect of that register unit—

(a) the new register shall, together with the general part of the register, become and be the register of common land for the registration area of the former Cardiganshire County Council; and

(b) the existing register shall cease to have effect.

(3) Nothing in this Act shall give a registration or other entry in the new register any greater validity than it would have had if—

(a) it had appeared in substantially the same form in the existing register; and

(b) the existing register had been drawn in accordance with the statutory requirements made by or under the Act of 1965; and

(c) this Act had not passed.

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# Commons Registration (Cardiganshire) Act 1978

## CHAPTER viii

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