

ELIZABETH II



1983 CHAPTER ix

An Act to make provision for the validation of the registers of common land maintained under the Commons Registration Act 1965 by the former Glamorgan County Council and Merthyr Tydfil and Swansea County Borough Councils; and for other purposes.

[26th July 1983]

WHEREAS—

(1) By the Local Government Act 1972 the former county of Glamorgan was divided to form, with other areas, the three counties of Mid Glamorgan, South Glamorgan and West Glamorgan, the former county borough of Merthyr Tydfil was included in the county of Mid Glamorgan and the former county borough of Swansea was included in the county of West Glamorgan, and under that Act the functions of the county council and the county borough councils for those former local government areas as registration authorities under the Commons Registration Act 1965 (in this Act referred to as “the Act of 1965”) passed to the county councils of the said three counties (in this Act referred to as “the three County Councils”):

1972 c. 70.

1965 c. 64.

(2) Some register units of the register of common land compiled and maintained by the former Glamorgan County Council do not accord with regulations made under the Act of 1965 so that their effect in law is open to question and the registers of common land in Merthyr Tydfil and Swansea are also defective:

(3) In order to remove uncertainty as to the matters recorded in the said registers of common land for which the three County Councils are now responsible and, where a reference to the Commons Commissioners of any matter arising on those registers is necessary under the Act of 1965, to facilitate the reference, each of the three County Councils intend to redraw register units in the said registers maintained by them in any case where this is necessary in order to show in proper form all matters required to be shown, by or under the Act of 1965 in accordance with the applications for registration and objections thereto and any subsequent notation or alteration of the registers made in accordance with that Act, and otherwise as provided in this Act:

(4) It is accordingly expedient to make provision for the validation of the registers of common land for the registration areas of the three County Councils and to make such other provision for those purposes as is contained in this Act:

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

(6) On the promotion of the Bill for this Act the Mid Glamorgan County Council, the South Glamorgan County Council and the West Glamorgan County Council have each 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 (Glamorgan) Act 1983.

(2) This Act shall come into operation on 1st September 1983.

Interpretation and general.
1965 c. 64.

2.—(1) In this Act, unless the context otherwise requires—

(a) “the Act of 1965” means the Commons Registration Act 1965;

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

“the three County Councils” means the councils of the counties of Mid Glamorgan, South Glamorgan and

West Glamorgan; and "County Council" means each of those councils;

(b) in relation to each County Council—

"the Glamorgan register" means so much as is applicable to the registration area of the County Council of the register of common land maintained for the registration area of the former Glamorgan County Council, excluding the general part of that register; and

"the existing register" means the Glamorgan register as existing at the commencement of this Act; and

(c) 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.

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

(3) Notice is duly given to or by a County Council by or to 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, each of the three County Councils shall complete the redrawing in accordance with this section of so much of the Glamorgan register as, in the opinion of the County Council, does not accord with the statutory requirements made by or under the Act of 1965.

Redrawing of units of Glamorgan register.

(2) Subject as provided in subsections (3) and (4) below, register units redrawn under subsection (1) above shall be redrawn in accordance with the said statutory requirements (other than requirements as to the date or dates by which any entries in the register must be made, cancelled or modified) so that—

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

(3) Where an area of land is specified in the land section of any register unit in the existing register as having been added to, or substituted for, an area previously registered in that land section, that register unit shall be taken to comprise the area of all such lands so specified and not removed from the register as if that area had been registered under section 4 (2) (a) of the Act of 1965 at the beginning of the first registration period:

Provided that on redrawing register unit CL25 the West Glamorgan County Council shall divide it into two units along the line B to E to D2 shown on the register map (to be numbered CL25A north of that line and CL25B south of that line), but where a registered right of common is exercisable on both sides of that line it shall be registered in both such units.

(4) Where, but for this subsection, in redrawing a register unit for compliance with subsections (2) and (3) above in respect of any matter, any difference, being a difference which may affect the substance of rights and liabilities, would arise between the manner in which that matter then falls to be shown in the register unit 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 or in any decision of a Commons Commissioner.

(5) Nothing in subsection (3) of this section shall—

- (a) be taken to authorise any extension of the limits of any land over which a registered right of common is exercisable or to which a registration of ownership applies in accordance with any application for registration of such right or, as the case may be, ownership; or
- (b) affect the validity of any objection duly made, or deemed to be made, whether or not it is an objection to a second period registration.

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

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

Invitation of requests for notification of registration.

- (a) the general effect of this Act; and
- (b) that any person who is or may be concerned by any registration in the Glamorgan register may request the County Council in whose registration area the land to which the registration relates is situated to give him notice of the redrawing of any register unit or units 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 after the commencement of this Act, for the making of a request to any of the three County Councils for entitlement under section 5 (Notification of registration) of this Act to notice of the redrawing of any register unit.

5.—(1) When a register unit comprising land in their registration area has been redrawn, the County Council shall give notice thereof—

Notification of registration.

- (a) specifying that land;
- (b) specifying at least one place in their area and in the former county of Glamorgan where the documents mentioned in subsection (3) below may be inspected by any person free of charge at all reasonable times during the period specified in subsection (1) of section 6 (Determination of register units) of this Act; and
- (c) stating the effect of that section and the latest date for the submission of representations to the County Council under 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

(b) by sending, not later than the date on which the notice is first published, a copy of the notice together with 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 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 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, or at such other address as may be known to the County Council as the address of that person or his successor in title.

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

(a) the register unit;

(b) the part of the register map showing the land comprised in the register unit; and

(c) any supplemental map referred to in the register unit.

Determination
of register
units.

6.—(1) If, within the period of two months after the date of the first publication under section 5 (Notification of registration) of this Act of notice of the redrawing of a register unit comprising land in their registration area, representations are made to the County Council that in respect of any matter the register unit as redrawn does not comply with section 3 (Redrawing of units of Glamorgan 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 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 register unit, a copy of the register unit as modified.

(4) If required by any person, within seven days after 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.

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

(b) If, within the period specified in subsection (1) of the said section 6 after the first publication of notice of the redrawing of a register unit, no such representations as are referred to in that subsection 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 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 under subsection (1) above, then, in respect of that register unit—

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

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

8.—(1) The foregoing provisions of this Act shall apply to the register of common land maintained by the Mid Glamorgan County Council for the registration area of the former Merthyr Tydfil County Borough Council as those provisions apply to the Glamorgan register, except that for section 3 (3) there shall be substituted the following:— Extension of foregoing provisions to Merthyr Tydfil and Swansea registers.

“(3) Where the register unit in the existing register does not make reference to a register map showing the boundaries of the land comprised in the unit, it shall be taken to comprise such area of land as may appear to the County Council, after consultation with all persons whose applications required the registration of the land and any other

person known to the County Council to have any right or interest in the land, to be the area of all the lands over which rights were claimed in the said applications.”.

(2) The foregoing provisions of this Act shall apply to the register of common land maintained by the West Glamorgan County Council for the registration area of the former Swansea County Borough Council as those provisions apply to the Glamorgan register.

(3) For the purposes of this section, the following provisions of this Act shall have effect subject to the following modifications:—

- (a) in section 4, for the reference to the three County Councils or to any of them there shall be substituted reference to the Mid Glamorgan County Council or, as the case may be, the West Glamorgan County Council;
- (b) in sections 4 (1) and 5 (1) (b), for the reference to the former county of Glamorgan there shall be substituted reference to the former county borough of Merthyr Tydfil or, as the case may be, the former county borough of Swansea; and
- (c) in section 7 (2) (a), for the reference to the former Glamorgan County Council there shall be substituted reference to the former Merthyr Tydfil County Borough Council or, as the case may be, the former Swansea County Borough Council.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR W. J. SHARP

Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£1.75 net

ISBN 0 10 510983 5



Commons Registration (Glamorgan) Act 1983

CHAPTER ix

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement.
2. Interpretation and general.
3. Redrawing of units of Glamorgan register.
4. Invitation of requests for notification of registration.
5. Notification of registration.
6. Determination of register units.
7. Validity of register.
8. Extension of foregoing provisions to Merthyr Tydfil and Swansea registers.