
STATUTORY INSTRUMENTS

1969 No. 1843

The Commons Registration (New Land) Regulations 1969

Title and commencement

1. These Regulations may be cited as the Commons Registration (New Land) Regulations 1969, and shall come into operation on 3rd January 1970.

Interpretation

2.—(1) The Interpretation Act 1889 applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires,—

“the Act” means the Commons Registration Act 1965;

“application” means an application under these Regulations;

“concerned authority”, in relation to an application to a registration authority, means a local authority (other than the registration authority) in whose area any part of the land affected by the application lies;

“Form 6” means the form so numbered in the General Regulations or a form to substantially the same effect, and “Form” followed by a number above 28 means the form so numbered in the Schedule to these Regulations, or a form to substantially the same effect;

“the General Regulations” means the Commons Registration (General) Regulations 1966⁽¹⁾ as amended ⁽²⁾, and “General Regulation” followed by a number means the regulation so numbered in the General Regulations;

“Model Entry” followed by a number means the specimen entry so numbered in Part 1 of Schedule 2 to the General Regulations, and “Standard Entry” followed by a number means the specimen entry so numbered in Part 2 of that Schedule, or an entry to substantially the same effect;

“provisional registration” means a registration under section 4 of the Act which has not become final;

“substituted land” and, in relation to any substituted land, “the taken land”, bear the same meanings as in General Regulation 28.

(3) A requirement upon a registration authority to publish a document in any area is a requirement to cause the document to be published in such one or more newspapers circulating in that area as shall appear to the authority sufficient to secure adequate publicity for it.

(4) A requirement to display a document or copies thereof is a requirement to treat it, for the purposes of section 287 of the Local Government Act 1933 (public notices), as if it were a public notice within that section.

(5) Where the day or the last day on which anything is required or permitted by or in pursuance of these Regulations to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day

(1) (1966 III, p. 3978).

(2) The amending instruments are S.I. 1968/658, 1968/989 (1968 I, p. 1490; 1968 II, p. 2615).

appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before-mentioned.

(6) Any requirement (however expressed) that a registration authority shall send anything to “the applicant” shall, where a solicitor has been instructed for the purposes of an application, be deemed to be satisfied by sending it to the solicitor, or, where two or more persons are concerned together in an application and no solicitor has been instructed, to that one of them whose name appears first in the application form.

(7) A requirement upon a registration authority to stamp any document is a requirement to cause an impression of its official stamp as described in General Regulation 3 to be affixed to it, and that the impression shall bear the date mentioned in the requirement or (where no date is mentioned) the date when it was affixed.

(8) An indication in any form in the Schedule to these Regulations that the form shall bear the official stamp of a registration authority is a requirement upon the authority to stamp it.

Land becoming common land or a town or village green

3.—(1) Where, after 2nd January 1970, any land becomes common land or a town or village green, application may be made subject to and in accordance with the provisions of these Regulations for the inclusion of that land in the appropriate register and for the registration of rights of common thereover and of persons claiming to be owners thereof.

(2) Where any land is for the time being registered under the Act, no application shall be entertained for its registration under these Regulations, and, where any land is for the time being registered under section 4 of the Act (whether or not the registration has become final) no application shall be entertained for the registration of rights of common over it.

(3) No person shall be registered under these Regulations as the owner of any land which is registered under the Land Registration Acts 1925 to 1966⁽³⁾ and no person shall be registered under these Regulations as the owner of any other land unless the land itself is registered under these Regulations.

(4) An application for the registration of any land as common land or as a town or village green may be made by any person, and a registration authority shall so register any land in any case where it registers rights over it under these Regulations.

(5) An application for the registration of a right of common over land which is registered, or which is capable of being registered, under these Regulations, may be made by the owner of the right, or by any person entitled by law to act, in relation to the right, on the owner's behalf or in his stead, or, where the right belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

(6) An application for the registration of a claim to the ownership of any land registered under these Regulations may be made by the owner of the land, or by any person entitled by law to act, in relation to the land, on the owner's behalf or in his stead, or, where the land belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

(7) An application must be—

- (a) in Form 29, 30, 31 or 32 as appropriate;
- (b) signed by or on behalf 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 unincorporate;
- (c) accompanied by such documents (if any) as may be requisite under regulation 4 below;
- (d) supported—

(3) 1925 c.21; 1936 c.26; 1966 c.39.

- (i) by a statutory declaration as set out in the appropriate form of application, with such adaptations as the case may require, to be made by the applicant, or by one of the applicants if there is more than one, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, or charity trustees, by its or their solicitor or by the person who signed the application; and
- (ii) by such further evidence, if any, as, at any time before finally disposing of the application, the registration authority may reasonably require.

Documents to accompany applications

4.—(1) Subject to paragraph (2) below, every application must be accompanied by, or by a copy or sufficient abstract of, every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production.

(2) In the case of an application for the registration of any rights of common, or of a claim to the ownership of any land, the applicant shall not be obliged to furnish to the registration authority, or to disclose the existence of, any document which he would not be obliged to abstract or produce to a purchaser under a contract for the sale by the applicant of the rights or the land made otherwise than by correspondence and containing no stipulations as to title.

Disposal of applications

5.—(1) On receiving an application, the registration authority shall allot a distinguishing number to it, and shall mark the application form with that number.

(2) Where a registration authority receives an application for the registration of a right of common affecting any coal or anthracite it shall, before entertaining the application, serve notice in writing to that effect upon the National Coal Board, giving the name and address of the applicant and particulars of the right of common, of the land over which it is exercisable and of the land (if any) to which it is attached.

(3) The registration authority shall send the applicant a receipt for his application containing a statement of the number allotted thereto; and Form 6, if used for that purpose, shall be sufficient.

(4) Subject to paragraph (7) below, a registration authority shall, on receipt of an application,—

- (a) send a notice in Form 33, 34 or 35, as appropriate, to every person (other than the applicant) whom the registration authority has reason to believe (whether from information supplied by the applicant or otherwise) to be an owner, lessee, tenant or occupier of any part of the land affected by the application, or to be likely to wish to object to the application;
- (b) publish in the concerned area, and display, such a notice as aforesaid, and send the notice and a copy of the application to every concerned authority;
- (c) affix such a notice to some conspicuous object on any part of the land which is open, unenclosed and unoccupied, unless it appears to the registration authority that such a course would not be reasonably practicable.

(5) The date to be inserted in any notice under paragraph (4) above by which statements in objection to an application must be submitted to the registration authority shall be such as to allow an interval of not less than six weeks from the latest of the following dates, that is to say, the date on which the notice is displayed by the registration authority, or is published, or may reasonably be expected to be delivered in due course of post or to be displayed under paragraph (6) below.

(6) Every concerned authority receiving, under this regulation, a notice and a copy of an application shall forthwith display copies of the notice, and shall keep the copy of the application available for public inspection at all reasonable times until informed by the registration authority of the disposal of the application.

(7) Where an application appears to a registration authority after preliminary consideration not to be duly made, the authority may reject it without complying with paragraph (4) above, but where it appears to the authority that any action by the applicant might put the application in order, the authority shall not reject the application under this paragraph without first giving the applicant a reasonable opportunity of taking that action.

(8) In this regulation “concerned area” means, in the case of a registration authority which is the council of a county borough, an area including the area of the county borough and the area of every concerned authority, and in any other case, an area including the area of every concerned authority.

Consideration of objections

6.—(1) As soon as possible after the date by which statements in objection to an application have been required to be submitted, the registration authority shall proceed to the further consideration of the application, and the consideration of statements (if any) in objection thereto, in accordance with the following provisions of this regulation.

(2) The registration authority shall not consider any statement in objection to an application unless it is in writing and signed by or on behalf of the person making it, but, subject as aforesaid, the authority shall consider every statement in objection to an application which it receives before the date on which it proceeds to the further consideration of the application under paragraph (1) above, and may consider any such statement which it receives on or after that date and before the authority finally disposes of the application.

(3) The registration authority shall send the applicant a copy of every statement which it is required under paragraph (2) above to consider, and of every statement which it is permitted under that paragraph to consider and intends to consider, and shall not reject the application without giving the applicant a reasonable opportunity of dealing with the matters contained in the statements of which copies are sent to him under this paragraph and with any other matter in relation to the application which appears to the authority to afford prima facie grounds for rejecting the application.

Method of registration

7.—(1) Where a registration authority accepts an application, it shall make the necessary registration, following as closely as possible whichever of the Model Entries 4 and 7 to 12 may be applicable, with such variations and adaptations as the circumstances may require, but with the substitution, for the words “(Registration provisional.)”, of the words “(Registration under section 13 of the Act.)”.

(2) The provisions of paragraphs (2) to (7) of General Regulation 10 shall apply to registrations under these Regulations as they apply to provisional registrations.

(3) The provisions of regulation 9 of the Commons Registration (Objections and Maps) Regulations 1968⁽⁴⁾ (changes as to provisional register maps) shall apply for the purposes of section 13 of the Act as they apply for the purposes of section 4 thereof, and, accordingly, the following shall be substituted for the definition of “registration” in regulation 2(2) of the said regulations:—

““registration”, except in regulation 9 below, means registration under section 4 of the Act, and “registered” shall be construed accordingly;” shall be construed accordingly;”.

(4) Where a registration authority has made a registration under this regulation, it shall file the application form and any plan thereto which is not required for the purpose of General Regulation 20 (supplemental maps) and shall return all other documents which accompanied the application form to the applicant.

(4) (1968 II, p. 2615).

Information about disposal of applications, and procedure on rejection

8.—(1) When a registration authority has disposed of an application and, if it has accepted the application, has made the necessary registration, it shall give written notice of the fact to every concerned authority, to the applicant and to every person whose address is known to the registration authority and who objected to the application, and such notice shall include, where the registration authority has accepted the application, details of the registration, and, where it has rejected the application, the reasons for the rejection.

(2) A person shall be taken to have objected to an application for the purposes of paragraph (1) above if he submitted a statement in objection to the application which the registration authority was required to consider under paragraph (2) of regulation 6 above or which it did consider under that paragraph.

(3) Where a registration authority has rejected an application, it shall return the application form and all accompanying documents to the applicant.

Substituted land

9.—(1) Where under these Regulations a registration authority registers any substituted land in a register, and the taken land is registered in that register, then—

- (a) if no application has been duly made under General Regulation 27 for the removal of the taken land from the register, the authority shall nevertheless amend the register in relation to the taken land as shown in Standard Entry 6;
- (b) if such an application has been duly made, the registration authority shall not be required to comply with paragraphs (5) to (8) of General Regulation 27 (except so much of paragraph (7) thereof as requires the register to be amended in accordance with Standard Entry 6).

(2) In General Regulation 28(1) (which prohibits the removal of any taken land from a register until the substituted land has been registered under the Act, unless the substituted land is exempt from registration under section 11 of the Act) the words “unless it is exempt from registration under section 11 thereof” are hereby revoked, but without prejudice to their effect in relation to applications and registrations under section 4 of the Act.

Land descriptions

10.—(1) Land must be described for the purposes of any application—

- (a) by a plan accompanying the application and referred to therein; or
- (b) in the case of land already registered under the Act, by a reference to the register sufficient to enable the land to be identified; or
- (c) in the case of land to which rights of common are attached, by reference to the numbered parcels on the most recent edition of the ordnance map (quoting the edition).

(2) Any plan accompanying an application must—

- (a) be drawn to scale;
- (b) be in ink or other permanent medium;
- (c) be on a scale of not less, or not substantially less, than six inches to one mile;
- (d) show the land to be described by means of distinctive colouring; and
- (e) be marked as an exhibit to the statutory declaration in support of the application.

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Given under the official seal of the Minister of Housing and Local Government on 19th December 1969.

L.S.

Denis H. Howell
Minister of State
Ministry of Housing and Local Government

Given under my hand

George Thomas
One of Her Majesty's Principal Secretaries of
State
Welsh Office

19th December 1969