

**EXPLANATORY MEMORANDUM TO**  
**THE COMMONS REGISTRATION (GENERAL) (AMENDMENT) (ENGLAND)**  
**(REVOCAATION) REGULATIONS 2007**

**2007 No. 1553**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The regulations revoke the Commons Registration (General) (Amendment) (England) Regulations 2007 before they enter into force on 1st June 2007, thereby maintaining the existing regime for searching registers of common land.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 This instrument was made on 27th May 2007, laid before Parliament on 30th May 2007 and comes into force on 31st May 2007. Defra regrets this breach of the 21 day rule, which was unavoidable in the circumstances. The Law Society's decision to defer the introduction of new non-statutory search forms (see paragraphs 7.2 and 7.3 below) was made as a consequence of the Government's decision to defer the introduction of Home Information Packs, and the decision was only confirmed to Defra on 25th May 2007. Consequently the instrument could not have been made at an earlier date. It was necessary for the instrument to come into force on 31st May 2007 to revoke S.I. 2007/1032 before it came into force, in order to ensure that a means of searching the commons registers remains in place on and after 1st June 2007.

**4. Legislative Background**

4.1 These Regulations revoke the Commons Registration (General) (Amendment) (England) Regulations 2007 (S.I. 2007/1032), which were made on 26th March 2007 and were to come into force on 1st June 2007. Those Regulations would have revoked provision in the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) for statutory searches of the commons registers held by commons registration authorities, with effect from 1st June 2007.

4.2 Accordingly, the effect of these Regulations is to ensure that the existing provisions in the 1966 Regulations are not revoked and shall remain in force.

**5. Territorial Extent and Application**

5.1 This instrument applies to England.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Registered common land and town or village greens are defined by the commons registers held by commons registration authorities. The registration of land affects the use that can be made of it, so prospective purchasers of land or property may wish to carry out a search of the commons registers to ascertain whether the land is registered.

7.2 Defra had expected that new versions of the non-statutory forms CON29 parts I and II for local authority searches on purchases of land and property, which are agreed by (principally) the Law Society and the Local Government Association, would be introduced on 1st June 2007. Hitherto, these forms have not included searches of the commons registers, which have been made under a separate statutory regime, but Defra has reached agreement for an additional question relating to the commons registers to be included in the new version of form CON29 part II.

7.3 The introduction of the modified version of form CON29 part II is now expected to be delayed, making it necessary to preserve the existing statutory provisions for searching the commons registers for the time being.

7.4 Additional policy background is contained in the Explanatory Memorandum to S.I. 2007/1032.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. Local Authorities will continue to use the existing forms for searches of commons registers.

## **9. Contact**

Andrew Dalglish at the Department for Environment, Food and Rural Affairs, Tel: 020 7238 4917 or e-mail: [andrew.dalglish@defra.gsi.gov.uk](mailto:andrew.dalglish@defra.gsi.gov.uk) can answer any queries regarding the instrument.