

2009 No. 2018

COMMONS, ENGLAND

**The Commons Registration (England) (Amendment)
Regulations 2009**

<i>Made</i> - - - -	<i>19th July 2009</i>
<i>Laid before Parliament</i>	<i>23rd July 2009</i>
<i>Coming into force</i> - -	<i>30th September 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 3(5), 24(1), (2), (6), and (7) and 59(1) of, and paragraphs 2 and 4 of Schedule 3 to, the Commons Act 2006(a), makes the following Regulations:

Citation and commencement

1. These Regulations—
 - (a) may be cited as the Commons Registration (England) (Amendment) Regulations 2009; and
 - (b) come into force on 30th September 2009.

Amendment of the Commons Registration (England) Regulations 2008

2. The Commons Registration (England) Regulations 2008(b) are amended as follows—
 - (a) in regulation 7 (method of registration), in the table in paragraph (3), after the row relating to section 17 of the 2006 Act, insert the following row—

<i>In the first column (Provision under which or pursuant to which registration is made)</i>	<i>In the second column (Relevant model entry)</i>
“Section 19 of the 2006 Act	Model Entry 4, 6, 7, 8, 9, 14, 15, 16, 17 or 24, as appropriate”;

- (b) in regulation 9 (register maps), in paragraphs (8)(a) and (9)(a), for “wholly of moorland” substitute “wholly or predominantly of moorland”;
- (c) in regulation 18 (making a proposal), in paragraph (3), for “30th September 2009” substitute “30th September 2010”;
- (d) in regulation 21 (registration authority’s duty to publicise application), in paragraph (2)(a), for “section 15” substitute “section 15(1)”;

(a) 2006 c. 26; “appropriate national authority” and “regulations” are defined in section 61.
(b) S.I. 2008/1961.

- (e) in regulation 26 (representations), in paragraph (4), after “a copy of representations” insert “(or within such longer period as the registration authority may specify at the time when it serves the copy of representations)”;
- (f) in regulation 27 (responsibility for determining applications and proposals), in paragraph (3)(c), omit “, and seeks to add land to, or to remove land from, a register”;
- (g) in regulation 39 (the transitional period and transitional application period)—
 - (i) in paragraph (1), for “30th September 2010” substitute “30th September 2011”; and
 - (ii) in paragraph (3), for “30th September 2009” substitute “30th September 2010”;
- (h) in regulation 41 (review of the registers), for “30th September 2009” substitute “30th September 2010”;
- (i) in regulation 42 (determination of applications and proposals to amend the registers), in paragraph (1)(a)(ii), after “the registration authority” insert “for such purposes”;
- (j) in Schedule 4 (making an application), in paragraph 18(1)(b), for “in consequence of that event” substitute “in consequence of, that event”; and
- (k) in Schedule 6 (persons on whom applicant must serve notice of an application), in the table in paragraph 2, in the second column (persons on whom notice of application must be served) of the entry relating to an application under section 15(1) or (8) of the 2006 Act, omit the third item listed.

19th July 2009

Huw Irranca Davies
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Commons Registration (England) Regulations 2008 (S.I. 2008/1961) (“the principal Regulations”).

The Regulations extend – in each case by one year – the length of the transitional application period (which is now to last until 30th September 2010) and the transitional period (which is now to last until 30th September 2011) (*regulation 2(g)*), and in consequence also extend (to 30th September 2010) two other specified periods that coincided with the transitional application period (*regulation 2(c) and (h)*). (The transitional period is defined by paragraph 2(1) of Schedule 3 to the Commons Act 2006 (c. 26) as the period during which registration authorities can, for the purposes of that Schedule and regulations made under paragraphs 2 and 4 of that Schedule, amend their registers of common land and town or village greens in consequence of certain qualifying events which were not registered under the Commons Registration Act 1965 (c. 64). The transitional application period is the period in which applications can be made to a registration authority for the purpose of paragraph 2 (transitional period for updating registers) of Schedule 3 to the Commons Act 2006 without payment of a fee: see regulation 39(2) of the principal Regulations.)

The Regulations specify the model entries relevant to registrations made under section 19 of the Commons Act 2006 (*regulation 2(a)*).

The Regulations permit a registration authority to allow an applicant longer than the period of 21 days within which to respond to representations made about his or her application (*regulation 2(e)*).

The Regulations also deal with minor errors and inconsistencies in the principal Regulations.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business or the voluntary sector, but a full impact assessment of the pilot implementation of Part 1 of the Commons Act 2006 is available with the principal Regulations at www.opsi.gov.uk.

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STATUTORY INSTRUMENTS

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