
WELSH STATUTORY INSTRUMENTS

2017 No. 566

**The Commons Act 2006 (Correction, Non-Registration
or Mistaken Registration) (Wales) Regulations 2017**

PART 2

Applications and proposals to amend the Registers

Registration authority's duty to publicise proposal

11.—(1) A registration authority which has prepared a statement of a proposal in accordance with regulation 7(1) must, before taking any further steps in relation to the proposal, comply with paragraphs (2) to (5).

(2) The registration authority must publish a notice of the proposal on its website.

(3) If the proposal is to register or deregister any land as common land or as a town or village green, the registration authority must post a notice of the proposal for not less than 42 days at or near at least one obvious place of entry to (or, if there are no such places, at or near at least one conspicuous place on the boundary of) the land to which the proposal relates.

(4) The registration authority must serve a notice of the proposal on the following persons—

- (a) subject to paragraph (7), the owner of any land comprising the whole or any part of the register unit to which the proposal relates;
- (b) any person who has made a declaration, duly recorded in the register, of entitlement to a right of common over any land comprising the whole or any part of the register unit to which the proposal relates;
- (c) any commons council established for land which includes the land to which the proposal relates;
- (d) subject to paragraph (8), any owner of a right of common in gross which is exercisable over any land comprising the whole or any part of the register unit to which the proposal relates; and
- (e) every other local authority for that area.

(5) The registration authority must also serve a notice of the proposal by email on any other person who has previously asked to be informed of all proposals, and who has given the registration authority an email address for that purpose.

(6) Where a notice posted under paragraph (3) is, without any fault or intention of the registration authority, removed, obscured or defaced before the period of 42 days referred to in that paragraph has elapsed, the authority is to be treated as having complied with the requirements of that paragraph.

(7) The requirement in paragraph (4)(a) does not apply if it is not reasonably practicable to identify that person.

(8) The registration authority may, in relation to any proposal, decide that paragraph (4)(d) is not to apply, if it considers that the persons registered as owners of rights of common in gross are

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so numerous that it would not be reasonably practicable for it to serve notice of the proposal on all of them.