



Commons Act 2006

2006 CHAPTER 26

PART 1

REGISTRATION

Registration, deregistration and exchange of land

14 Statutory dispositions

- (1) Regulations may make provision as to the amendment of a register of common land or town or village greens where by virtue of any relevant instrument—
 - (a) a disposition is made in relation to land registered in it as common land or as a town or village green; or
 - (b) a disposition is made in relation to a right of common registered in it.
- (2) Regulations may provide that, where—
 - (a) by virtue of any relevant instrument a disposition is made in relation to land registered as common land or as a town or village green,
 - (b) by virtue of regulations under subsection (1) the land ceases to be so registered, and
 - (c) in connection with the disposition other land is given in exchange, the land given in exchange is to be registered as common land or as a town or village green.
- (3) In this section, “relevant instrument” means—
 - (a) any order, deed or other instrument made under or pursuant to the Acquisition of Land Act 1981 (c. 67);
 - [^{F1}(b) a deed made for the purposes of section 28 of the Church Property Measure 2018;]
 - (c) any other instrument made under or pursuant to any enactment.

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- (4) Regulations under this section may require the making of an application to a commons registration authority for amendment of a register of common land or town or village greens.
- (5) Regulations under this section may provide that a relevant instrument, so far as relating to land registered as common land or as a town or village green or to any right of common, is not to operate at law until any requirement for which they provide is complied with.

Textual Amendments

- F1** S. 14(3)(b) substituted (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 21**; S.I. 2019/97, art. 2

Commencement Information

- I1** S. 14 partly in force; s. 14 not in force at Royal Assent see s. 56(1); s. 14 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I2** S. 14 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(c), **Sch.** (with art. 3)
- I3** S. 14 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, art. 3(1)(c) (with art. 5)

15 Registration of greens

- (1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.
- (2) This subsection applies where—
- a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - they continue to do so at the time of the application.
- (3) This subsection applies where—
- a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
 - they ceased to do so before the time of the application but after the commencement of this section; and
 - the application is made within [^{F2}the relevant period].
- [^{F3}(3A) In subsection (3), “ the relevant period ” means—
- in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b);
 - in the case of an application relating to land in Wales, the period of two years beginning with that cessation.]
- (4) This subsection applies (subject to subsection (5)) where—
- a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;

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- (b) they ceased to do so before the commencement of this section; and
 - (c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).
- (5) Subsection (4) does not apply in relation to any land where—
- (a) planning permission was granted before 23 June 2006 in respect of the land;
 - (b) construction works were commenced before that date in accordance with that planning permission on the land or any other land in respect of which the permission was granted; and
 - (c) the land—
 - (i) has by reason of any works carried out in accordance with that planning permission become permanently unusable by members of the public for the purposes of lawful sports and pastimes; or
 - (ii) will by reason of any works proposed to be carried out in accordance with that planning permission become permanently unusable by members of the public for those purposes.
- (6) In determining the period of 20 years referred to in subsections (2)(a), (3)(a) and (4)(a), there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.
- (7) For the purposes of subsection (2)(b) in a case where the condition in subsection (2) (a) is satisfied—
- (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6), those persons are to be regarded as continuing so to indulge; and
 - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land “as of right”.
- (8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.
- (9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.
- (10) In subsection (9)—
- “relevant charge” means—
- (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);
 - (b) in relation to land which is not so registered—
 - (i) a charge registered under the Land Charges Act 1972 (c. 61); or
 - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c. 20), which is not registered under the Land Charges Act 1972;
- “relevant leaseholder” means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.

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Textual Amendments

- F2** Words in s. 15(3)(c) substituted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 14(2)**, 35(1); [S.I. 2013/1488](#), **art. 6** (with **art. 8(2)**)
- F3** S. 15(3A) inserted (1.10.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 14(3)**, 35(1); [S.I. 2013/1488](#), **art. 6** (with **art. 8(2)**)

Modifications etc. (not altering text)

- C1** S. 15 excluded (1.2.2011) by [The River Mersey \(Mersey Gateway Bridge\) Order 2011 \(S.I. 2011/41\)](#), **arts. 1, 49** (with **art. 51**, **Sch. 10 paras. 68, 85**)
- C2** S. 15 disappplied (6.11.2013) by [The Transport for Greater Manchester \(Light Rapid Transit System\) \(Second City Crossing\) Order 2013 \(S.I. 2013/2587\)](#), **arts. 1, 5** (with **arts. 42, 43**)

Commencement Information

- I4** S. 15 wholly in force at 6.9.2007; s. 15 not in force at Royal Assent see s. 56(1); s. 15 in force for E. at 6.4.2007 by [S.I. 2007/456](#), **art. 3** (with **art. 4(1)**); s. 15 in force for W. at 6.9.2007 by [S.I. 2007/2386](#), **art. 3** (with **art. 4(1)**)

[^{F4}15A Registration of greens: statement by owner

- (1) Where the owner of any land ^{F5}... to which this Part applies deposits with the commons registration authority a statement in the prescribed form, the statement is to be regarded, for the purposes of section 15, as bringing to an end any period during which persons have indulged as of right in lawful sports and pastimes on the land to which the statement relates.
- (2) Subsection (1) does not prevent a new period commencing.
- (3) A statement under subsection (1) must be accompanied by a map in the prescribed form identifying the land to which the statement relates.
- (4) An owner of land may deposit more than one statement under subsection (1) in respect of the same land.
- (5) If more than one statement is deposited in respect of the same land, a later statement (whether or not made by the same person) may refer to the map which accompanied an earlier statement and that map is to be treated, for the purposes of this section, as also accompanying the later statement.
- (6) Where a statement is deposited under subsection (1), the commons registration authority must take the prescribed steps in relation to the statement and accompanying map and do so in the prescribed manner and within the prescribed period (if any).
- (7) Regulations may make provision—
 - (a) for a statement required for the purposes of this section to be combined with a statement or declaration required for the purposes of section 31(6) of the Highways Act 1980;
 - (b) for the requirement in subsection (3) to be satisfied by the statement referring to a map previously deposited under section 31(6) of the Highways Act 1980;
 - (c) as to the fees payable in relation to the depositing of a statement under subsection (1) (including provision for a fee payable under the regulations to be determined by the commons registration authority);

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- (d) as to when a statement under subsection (1) is to be regarded as having been deposited with the commons registration authority.

^{F6}(8)

- (9) In this section “ prescribed ” means prescribed in regulations.

Textual Amendments

- F4** Ss. 15A , 15B inserted (25.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 15, 35(1)**; S.I. 2013/1488, **art. 4(b)**; S.I. 2013/1766, **art. 3(b)**
- F5** Words in [s. 15A\(1\)](#) omitted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 52(2), 58(2)(b)(4)(b)**; S.I. 2018/1022, **art. 2(a)**
- F6** [S. 15A\(8\)](#) omitted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 52(3), 58(2)(b)(4)(b)**; S.I. 2018/1022, **art. 2(a)**

15B Register of section 15A statements

- (1) Each commons registration authority must keep, in such manner as may be prescribed, a register containing prescribed information about statements deposited under section 15A(1) and the maps accompanying those statements.
- (2) The register kept under this section must be available for inspection free of charge at all reasonable hours.
- (3) A commons registration authority may discharge its duty under subsection (1) by including the prescribed information in the register kept by it under section 31A of the Highways Act 1980 (register of maps and statements deposited and declarations lodged under section 31(6) of that Act).
- (4) Regulations may make provision—
- (a) where a commons registration authority discharges its duty under subsection (1) in the way described in subsection (3), for the creation of a new part of the register kept under section 31A of the Highways Act 1980 for that purpose;
- (b) as to the circumstances in which an entry relating to a statement deposited under section 15A(1) or a map accompanying such a statement, or anything relating to the entry, is to be removed from the register kept under this section or (as the case may be) the register kept under section 31A of the Highways Act 1980.
- (5) In this section “ prescribed ” means prescribed in regulations.]

Textual Amendments

- F4** Ss. 15A , 15B inserted (25.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 15, 35(1)**; S.I. 2013/1488, **art. 4(b)**; S.I. 2013/1766, **art. 3(b)**

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[^{F7}15C Registration of greens: exclusions

- (1) The right under section 15(1) to apply to register land ^{F8}... as a town or village green ceases to apply if an event specified in the first column of the Table set out in [^{F9}the relevant Schedule] has occurred in relation to the land (“a trigger event”).
- (2) Where the right under section 15(1) has ceased to apply because of the occurrence of a trigger event, it becomes exercisable again only if an event specified in the corresponding entry in the second column of the Table [^{F10}set out in the relevant Schedule] occurs in relation to the land (“a terminating event”).
- (3) The [^{F11}appropriate national authority] may by order make provision as to when a trigger or a terminating event is to be treated as having occurred for the purposes of this section.
- (4) The [^{F12}appropriate national authority] may by order provide that subsection (1) does not apply in circumstances specified in the order.
- (5) The [^{F13}appropriate national authority] may by order amend [^{F14}the relevant Schedule] so as to—
 - (a) specify additional trigger or terminating events;
 - (b) amend or omit any of the trigger or terminating events for the time being specified in the Schedule.
- (6) A trigger or terminating event specified by order under subsection (5)(a) must be an event related to the development (whether past, present or future) of the land.
- (7) The transitional provision that may be included in an order under subsection (5)(a) specifying an additional trigger or terminating event includes provision for this section to apply where such an event has occurred before the order is made or before it comes into force and as to its application in such a case.
- (8) For the purposes of determining whether an application under section 15 is made within the period mentioned in section 15(3)(c), any period during which an application to register land as a town or village green may not be made by virtue of this section is to be disregarded.]
- [^{F15}(9) In this section “the relevant Schedule” means—
 - (a) Schedule 1A, in relation to land in England;
 - (b) Schedule 1B, in relation to land in Wales.]

Textual Amendments

- F7** S. 15C inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 16(1)**, 35(2) (with s. 16(4)(5))
- F8** Words in s. 15C(1) omitted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(a)(i)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)
- F9** Words in s. 15C(1) substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(a)(ii)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)
- F10** Words in s. 15C(2) inserted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(b)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)

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- F11** Words in s. 15C(3) substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(c)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)
- F12** Words in s. 15C(4) substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(c)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)
- F13** Words in s. 15C(5) substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(d)(i)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)
- F14** Words in s. 15C(5) substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(d)(ii)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)
- F15** S. 15C(9) inserted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 53(2)(e)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)

16 Deregistration and exchange: applications

- (1) The owner of any land registered as common land or as a town or village green may apply to the appropriate national authority for the land (“the release land”) to cease to be so registered.
- (2) If the release land is more than 200 square metres in area, the application must include a proposal under subsection (3).
- (3) A proposal under this subsection is a proposal that land specified in the application (“replacement land”) be registered as common land or as a town or village green in place of the release land.
- (4) If the release land is not more than 200 square metres in area, the application may include a proposal under subsection (3).
- (5) Where the application includes a proposal under subsection (3)—
 - (a) the replacement land must be land to which this Part applies;
 - (b) the replacement land must not already be registered as common land or as a town or village green; and
 - (c) if the owner of the release land does not own the replacement land, the owner of the replacement land must join in the application.
- (6) In determining the application, the appropriate national authority shall have regard to—
 - (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);
 - (b) the interests of the neighbourhood;
 - (c) the public interest;
 - (d) any other matter considered to be relevant.
- (7) The appropriate national authority shall in a case where—
 - (a) the release land is not more than 200 square metres in area, and
 - (b) the application does not include a proposal under subsection (3),have particular regard under subsection (6) to the extent to which the absence of such a proposal is prejudicial to the interests specified in paragraphs (a) to (c) of that subsection.

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- (8) The reference in subsection (6)(c) to the public interest includes the public interest in—
- (a) nature conservation;
 - (b) the conservation of the landscape;
 - (c) the protection of public rights of access to any area of land; and
 - (d) the protection of archaeological remains and features of historic interest.
- (9) An application under this section may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over—
- (a) the release land;
 - (b) any replacement land.
- (10) In subsection (9) “relevant charge” and “relevant leaseholder” have the meanings given by section 15(10).

Commencement Information

- 15** S. 16 partly in force; s. 16 not in force at Royal Assent see s. 56(1); s. 16 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2** (with **art. 3**)
- 16** S. 16 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(a)** (with **art. 4(1)**)

17 Deregistration and exchange: orders

- (1) Where the appropriate national authority grants an application under section 16 it must make an order requiring the commons registration authority to remove the release land from its register of common land or town or village greens.
- (2) Where the application included a proposal to register replacement land, the order shall also require the commons registration authority—
 - (a) to register the replacement land as common land or as a town or village green in place of the release land; and
 - (b) to register as exercisable over the replacement land any rights of common which, immediately before the relevant date, are registered as exercisable over the release land.
- (3) A commons registration authority must take such other steps on receiving an order under this section as regulations may require.
- (4) Where immediately before the relevant date any rights of common are registered as exercisable over the release land, those rights are on that date extinguished in relation to that land.
- (5) Where immediately before the relevant date any rights are exercisable over the release land by virtue of its being, or being part of, a town or village green—
 - (a) those rights are extinguished on that date in respect of the release land; and
 - (b) where any replacement land is registered in its place, those rights shall become exercisable as from that date over the replacement land instead.
- (6) Where immediately before the relevant date the release land was registered as common land and any relevant provision applied in relation to it—
 - (a) the provision shall on that date cease to apply to the release land; and

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- (b) where any replacement land is registered in its place, the provision shall on that date apply to the replacement land instead.
- (7) An order under this section may contain—
- (a) provision disapplying the effect of subsection (5)(b) or (6)(b) in relation to any replacement land;
 - (b) supplementary provision as to the effect in relation to any replacement land of—
 - (i) any rights exercisable over the release land by virtue of its being, or being part of, a town or village green;
 - (ii) any relevant provision;
 - (c) supplementary provision as to the effect in relation to the release land or any replacement land of any local or personal Act.
- (8) In subsections (6) and (7) “relevant provision” means a provision contained in, or made under—
- (a) section 193 of the Law of Property Act 1925 (c. 20);
 - (b) a scheme under the Metropolitan Commons Act 1866 (c. 122);
 - (c) an Act under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners;
 - (d) a scheme under the Commons Act 1899 (c. 30);
 - (e) section 1 of the Commons Act 1908 (c. 44).
- (9) In this section, “relevant date” means the date on which the commons registration authority amends its register as required under subsections (1) and (2).
- (10) Regulations may make provision for the publication of an order under this section.

Commencement Information

- 17** S. 17 partly in force; s. 17 not in force at Royal Assent see s. 56(1); s. 17(3)(10) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386, art. 2](#); s. 17 in force for E. at 1.10.2007 by [S.I. 2007/2584, art. 2](#) (with [art. 3](#))
- 18** S. 17(1) (2) s. 17(4)-(9) in force at 1.4.2012 for W. by [S.I. 2012/739, art. 2\(b\)](#) (with [art. 4\(1\)](#))
- 19** S. 17(3)(10) in force at 1.4.2012 for W. in so far as not already in force by [S.I. 2012/739, art. 3\(a\)](#) (with [art. 4\(1\)](#))

Changes to legislation:

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