



Commons Act 2006

2006 CHAPTER 26

PART 1

REGISTRATION

Registration, deregistration and exchange of land

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);

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- (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.
- (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

- I1** 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](#))
- I2** S. 16 in force at 1.4.2012 for W. by [S.I. 2012/739](#), [art. 2\(a\)](#) (with [art. 4\(1\)](#))

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