

SCHEDULE

1. The following shall be substituted for regulation 7:—

“Applications in special cases

7.—(1) Where a right of common is attached to any land, and is comprised in a tenancy of the land, an application for the registration of that right may be made by the landlord, the tenant, or both of them jointly.

(2) Where a right of common belongs to an ecclesiastical benefice of the Church of England which is vacant an application for the registration of that right may be made by the Church Commissioners.

(3) Where any land registered under the Act belongs to an ecclesiastical benefice of the Church of England which is vacant an application for the registration of a claim to the ownership of that land may be made by the Church Commissioners.

(4) The foregoing provisions of this regulation do not affect the right of any person entitled, apart from those provisions, to make any application under the Act.”

2. In regulation 8—

(a) in paragraph 1(b) after the words “signed by” there shall be inserted the words “or on behalf of”;

(b) in paragraph (1)(c) for the words “every person who has signed the application” there shall be substituted the words “every applicant”;

(c) after paragraph (2) insert the following paragraph:—

“(3) An application for the registration of a right of common, or of a claim to the ownership of any land, made by a person who is not the owner of the right or, as the case may be, of the land, shall, unless that person is entitled by virtue of any provision of regulation 7 above to make the application, be supported by such further evidence (if any) of his right to make it as, after considering the application and the declaration in support, the registration authority may reasonably require.”

3. In regulation 27—

(a) the following shall be substituted for paragraph (2):—

“(2) An application under this regulation may be made by the person who, at the date of the application, would have been entitled (whether or not by virtue of any provision of these Regulations) to apply under section 4 of the Act for the registration of a claim to the ownership of the land if at that date such an application could have been made.”;

(b) in paragraph 3(b) after the words “signed by” there shall be inserted the words “or on behalf of”.

4. In regulation 29—

(a) the following shall be substituted for paragraph (2):—

(a) “(2) An application under this regulation may be made by any person having an interest under the apportionment, variation, extinguishment, release or transfer.

(b) For the purpose of this regulation the following are included in the expression “person having an interest”, but without prejudice to the generality of that expression:—

(i) in the case of an apportionment, variation or transfer, any person who, at the date of the application under this regulation, would have been entitled

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(whether or not by virtue of any provision of these Regulations) to apply under section 4 of the Act for the registration of the right as apportioned, varied or transferred, if at that date such an application could have been made;

(ii) in the case of an extinguishment or release, any person who, at the date of the application under this regulation, would have been entitled (whether or not by virtue of any provision of these Regulations) to apply under the said section 4 of the registration of a claim to the ownership of any part of the land over which the right extinguished or released was formerly exercisable, if at that date such an application could have been made.”;

(b) in paragraph 3(b) after the words “signed by” there shall be inserted the words “or on behalf of”.

5. After regulation 31 insert:—

“Applications signed by agents

31A. Any application signed by an agent on behalf of an individual applicant shall be supported by such evidence (if any) of the agent's authority as, after considering the application, the registration authority may reasonably require.”.

6. In Form 7—

(a) the following shall be substituted for the marginal note >3> at the end of the application:—

“>3> If the applicant is a body corporate or unincorporate the application must be signed by the secretary or some other duly authorised officer.”;

(b) in paragraph 1 of the Statutory Declaration in Support, after “1.”, there shall be inserted the reference “>2>”, and, in the same paragraph, “made” shall be substituted for “signed”;

(c) at the end of paragraph 3 of that Declaration, there shall be inserted the reference “>3A>”, and against paragraph 3 there shall be added the following marginal note:—

“>3A>The words “unless it is a town or village green as defined in the Commons Registration Act 1965” may be added here if the applicant can only declare to a belief that the land is one or the other. This will avoid inconsistency if the applicant intends to apply to have the land registered also as a town or village green.”.

7. In Form 8—

(a) the following shall be substituted for the marginal note >3> at the end of the application:—

“>3> If the applicant is a body corporate or unincorporate the application must be signed by the secretary or some other duly authorised officer.”;

(b) in paragraph 1 of the Statutory Declaration in Support, after “1.”, there shall be inserted the reference “2”, and, in the same paragraph, “made” shall be substituted for “signed”;

(c) at the end of paragraph 3 of that Declaration, there shall be inserted the reference “3A”, and against paragraph 3 there shall be added the following marginal note:—

“>3A>The words “unless it is common land as defined in the Commons Registration Act 1965” may be added here if the applicant can only declare to a belief that the land is one or the other. This will avoid inconsistency if the applicant intends to apply to have the land registered also as common land.”.

8. In Form 9—

(a) the following shall be substituted for the marginal note >3> at the end of the application:—

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- “>3> If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.”;
- (b) in paragraph 1 of the Statutory Declaration in Support, after “1.”, there shall be inserted the reference “2”, and, in the same paragraph “made” shall be substituted for “signed”;
- (c) the following shall be substituted for paragraph 2 of that Declaration and for the marginal note >3> thereto:—
- (d) in the first paragraph of Note 2, for the words “(a) by the owner of the right;”; there shall be substituted the words “(a) by the owner of the right or in certain cases (see below) by someone on his behalf or in his stead;”;
- (e) the following shall be substituted for the last paragraph of Note 2:—
- “In certain cases a person may be entitled to apply on behalf of the owner of the right or in his stead. Examples are (a) a receiver appointed under section 105 of the Mental Health Act 1959(1); (b) charity trustees where the right of common is vested in the Official Custodian for Charities; (c) trustees for the purposes of the Settled Land Act 1925(2) authorised by order under section 24 of that Act. In such cases mention should so far as possible be made in part 3 of (a) the Act of Parliament, statutory instrument, order of court or other authority under which the applicant claims to be entitled to apply; (b) the capacity in which he applies; and (c) the name and address of the person on whose behalf or in whose stead the application is made, and whether that person is owner, landlord or tenant. The registration authority has power to call for such further evidence of the right of the applicant to make the application as it may reasonably require.
- Where charity trustees apply (whether the right is vested in themselves or in the Official Custodian) the fact should be stated, and the name of the charity given, in part 3.”

9. In Form 10—

- (a) the following shall be substituted for the marginal note >2> at the end of the application:—
- “>2> If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.”;
- (b) in paragraph 1 of the Statutory Declaration in Support, after “1.”, there shall be inserted the reference “>2>”, and, in the same paragraph “made” shall be substituted for “signed”;
- (c) the following shall be substituted for paragraph 2 of that Declaration and for the marginal note >3> thereto:—
- (d) in paragraph 3 of that Declaration, after the word “entitled” there shall be inserted the words:—
- “[, in the capacity or respective capacities stated in the application,]”;
- (e) the following shall be substituted for Note 1:—

“1. Who may apply for registration.

An application for the registration of a claim to the ownership of any land registered under the Act may be made by the owner of the land or, where the land belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

In certain cases a person may be entitled to apply on behalf of the owner of the land or in his stead. Examples are (a) a receiver appointed under section 105 of the Mental

(1) 1959 c. 72.
(2) 1925 c. 18.

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Health Act 1959; (b) charity trustees where the land is vested in the Official Custodian for Charities; (c) trustees for the purposes of the Settled Land Act 1925 authorised by order under section 24 of that Act. In such cases mention should so far as possible be made in part I of (a) the Act of Parliament, statutory instrument, order of court or other authority under which the applicant claims to be entitled to apply; (b) the capacity in which he applies; and (c) the name and address of the person (i.e. the owner of the land) on whose behalf or in whose stead the application is made. The registration authority has power to call for such further evidence of the right of the applicant to make the application as it may reasonably require.

The ownership of any land, for the purposes of the Act, means the ownership of the legal estate in fee simple in that land. It follows that applications made by, on behalf or instead of persons not having the legal estate in fee simple cannot be entertained. Thus, for example, an application by or on behalf of a lessee, mortgagee, or person having only an equitable interest in the land must be rejected. Any one who is not sure whether he is entitled to apply should obtain legal advice.

Where the Church Commissioners apply with respect to land belonging to a vacant benefice, the fact should be stated, and the name of the benefice given, in part 1.

In all cases where charity trustees apply (not only where the land is vested in the Official Custodian) the fact should be stated, and the name of the charity given, in part 1.”

10. In Form 16—

- (a) the following shall be substituted for the last sentence of the marginal note to part 1 of the application:—

“Application may only be made by the person entitled to the relevant right or interest, unless the right or interest belongs to a vacant Church of England benefice, when application may be made by the Church Commissioners. In that case the fact should be stated here and the name of the benefice given. Where charity trustees apply the fact should be stated here and the name of the charity given.”;
- (b) the following shall be substituted for the marginal note opposite the signature space:—

“If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.”

11. In Form 17—

- (a) the following shall be substituted for the footnote at the end of the application:—

“If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.”
- (b) in paragraph 1 of the Statutory Declaration in Support, after “1.”, there shall be inserted the reference “2”, and, in the same paragraph, “made” shall be substituted for “signed”;
- (c) the following shall be substituted for paragraph 3 of that Declaration:—
- (d) the following shall be substituted for Note 1:—

“1. Who may apply for the removal of land from a register.

An application for the removal of land from a register maintained under the Act may be made by the owner of the land or, where the land belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

In certain cases a person may be entitled to apply on behalf of the owner of the land or in his stead. Examples are (a) a receiver appointed under section 105 of the Mental Health Act 1959; (b) charity trustees where the land is vested in the Official Custodian for

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Charities; (c) trustees for the purposes of the Settled Land Act 1925 authorised by order under section 24 of that Act. In such cases mention should so far as possible be made in part 1 of (a) the Act of Parliament, statutory instrument, order of court or other authority under which the applicant claims to be entitled to apply; (b) the capacity in which he applies; and (c) the name and address of the person (i.e. the owner of the land) on whose behalf or in whose stead the application is made. The registration authority has power to call for such further evidence of the right of the applicant to make the application as it may reasonably require.

The ownership of any land, for the purposes of the Act, means the ownership of the legal estate in fee simple in that land. It follows that applications made by, on behalf or instead of persons not having the legal estate in fee simple cannot be entertained. Thus, for example, an application by or on behalf of a lessee, mortgagee, or person having only an equitable interest in the land must be rejected. Anyone who is not sure whether he is entitled to apply should obtain legal advice.

Where the Church Commissioners apply with respect to land belonging to a vacant benefice, the fact should be stated, and the name of the benefice given, in part 1.

In all cases where charity trustees apply (not only where the land is vested in the Official Custodian) the fact should be stated, and the name of the charity given, in part 1.”

12. In Form 19—

- (a) the following shall be substituted for the footnote>2> at the end of the application:—
“>2> If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.”;
- (b) in paragraph 1 of the Statutory Declaration in Support, after “1.”, there shall be inserted the reference “>2>”, and, in the same paragraph “made” shall be substituted for “signed”;
- (c) the following shall be substituted for paragraph 3 of that Declaration:—
- (d) the following shall be substituted for Note 2:—

“2. Who may apply.

An application may be made by any person having an interest under the apportionment, variation, extinguishment, release or transfer. “Having an interest” means having gained a **benefit or advantage by the transaction. Thus, for example, in the case of an apportionment, each of the persons entitled to any part of the apportioned right would be entitled to apply. In the case of an extinguishment or release, the applicant would generally be the soil owner. In the case of a variation, any person benefited by the variation, and in the case of a transfer, the transferee, would be entitled to apply. Where the relevant interest belongs to an ecclesiastical benefice of the Church of England which is vacant, the Church Commissioners may make the application and, where they do so, the fact should be stated, and the name of the benefice given, in part 1.

There are certain other cases where a person may be entitled to apply on behalf of the owner of the relevant interest or in his stead. Examples are (a) a receiver appointed under section 105 of the Mental Health Act 1959; (b) charity trustees where the relevant interest is vested in the Official Custodian for Charities; (c) trustees for the purposes of the Settled Land Act 1925 authorised by order under section 24 of that Act. In such cases mention should so far as possible be made, either in part 1 or in part 6 as may be most convenient, of (a) the Act of Parliament, statutory instrument, order of court or other authority under which the applicant claims to be entitled to apply; (b) the capacity in which he applies; and (c) the name and address of the person on whose behalf or in whose stead the application is made, that is to say the person having the necessary interest as explained in the preceding

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paragraph. The registration authority has power to call for such further evidence of the right of the applicant to make the application as it may reasonably require.

In all cases where charity trustees apply (not only where the right is vested in the Official Custodian) the fact should be stated, and the name of the charity given, in part 1 or 6 as convenient.”.

(e) the following shall be substituted for the heading to Note 6:—

“6. Objections and amendment applications contrasted”.