

## STATUTORY INSTRUMENTS

1968 No. 989

## COMMON

**The Commons Registration (Objections and Maps) Regulations 1968**

<i>Made</i> - - - -	<i>24th June 1968</i>
<i>Laid before Parliament</i>	<i>28th June 1968</i>
<i>Coming into Operation</i>	<i>1st July 1968</i>

The Minister of Housing and Local Government and the Secretary of State, in exercise of their respective powers under sections 3 and 19 of the Commons Registration Act 1965(a), as read with the Ministry of Land and Natural Resources (Dissolution) Order 1967(b), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

*Title and commencement*

1. These Regulations may be cited as the Commons Registration (Objections and Maps) Regulations 1968, and shall come into operation on 1st July 1968.

*Interpretation*

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires,—

“the Act” means the Commons Registration Act 1965;

“concerned authority”, in relation to a registration, means a local authority (other than the registration authority) in whose area any part of the land affected by the registration lies;

“Form” followed by a number from 1 to 21 means the form so numbered in the General Regulations or a form to substantially the same effect, and “Form” followed by a number above 21 means the form so numbered in Schedule 1 to these Regulations, or a form to substantially the same effect;

“the General Regulations” means the Commons Registration (General) Regulations 1966(d) as amended by the Commons Registration (General) (Amendment) Regulations 1968(e) and “General Regulation” followed by a number means the regulation so numbered in the General Regulations;

“Model Entry” means one of the specimen entries provided as examples in Part 1 of Schedule 2 to these Regulations;

“objector”, in relation to an objection, means the person making the objection;

(a) 1965 c. 64.

(b) S.I. 1967/156 (1967 I, p.258).

(c) 1889 c.63.

(d) S.I. 1966/1471 (1966 III, p.3978).

(e) S.I. 1968/658 (1968 I, p. 1490).

"registration" means registration under section 4 of the Act, and "registered" shall be construed accordingly;

"provisional register map" bears the same meaning as in the General Regulations;

"register unit" bears the meaning assigned to that expression in General Regulation 10;

"registration area" means the land in relation to which a local authority is the registration authority;

"supplemental map" bears the meaning assigned to that expression in General Regulation 20.

(3) A requirement upon an authority to publish a document in any area is a requirement to cause the document to be published in such one or more newspapers circulating in that area as shall appear to the authority sufficient to secure adequate publicity for it.

(4) A requirement to display a document or copies thereof is a requirement to treat it, for the purposes of section 287 of the Local Government Act 1933(a) (public notices), as if it were a public notice within that section.

(5) Where the day or the last day on which anything is required or permitted by or in pursuance of these regulations to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before-mentioned.

(6) A requirement upon a registration authority to stamp any document is a requirement to cause an impression of its official stamp as described in General Regulation 3 to be affixed to it, and that the impression shall bear the date mentioned in the requirement or (where no date is mentioned) the date when it was affixed.

(7) An indication in any form in Schedule 1 to these Regulations that the form shall bear the official stamp of a registration authority is a requirement upon the authority to stamp it.

*Publicity about registrations and about facilities for making objections*

3.—(1) Not later than 30th September 1968, every registration authority shall issue a notice which, if the authority has in either of its registers any registration made before 1st July 1968, shall be in Form 22, and, if not, in Form 23.

(2) As soon as possible after it has either rejected or given effect to every application for registration made before 3rd January 1970, and in any case not later than 30th April 1970, every registration authority shall issue a notice which, if the authority has in either of its registers any registration made after 30th June 1968, shall be in Form 24, and, if not, in Form 25.

(3) Every registration authority issuing a notice under this regulation shall forthwith—

(a) publish the same in the registration area;

(b) display copies thereof;

(c) send the notice to any other local authority having in its area any land in the registration area;

and, as soon as possible thereafter, cause the notice to be published in the London Gazette.

(4) Every local authority receiving a notice under this regulation shall forthwith display copies thereof.

(5) A requirement under this regulation to publish a notice in Form 22 or 24 in a registration area shall be deemed to be satisfied by the publication in that area of such a notice with the omissions indicated for that purpose in the note to the relevant form.

#### *Objection periods*

4.—(1) There shall be two objection periods, called the first objection period and the second objection period.

(2) The first objection period shall begin on 1st October 1968 and end on 30th September 1970, and the second shall begin on 1st May 1970 and end on 30th April 1972.

(3) Where a registration is made before 1st July 1968 an objection to it shall not be entertained unless it is made during the first objection period, and, where a registration is made after 30th June 1968, an objection to it shall not be entertained unless it is made during the second objection period.

#### *Manner of making objections*

5.—(1) Every objection to a registration must be in Form 26, and on one of the prints of that form to be supplied to registration authorities under arrangements to be made by H.M. Stationery Office.

(2) Where a person wishes to object on the same grounds to two or more registrations of rights of common comprised in the same register unit (not being registrations deemed to be so comprised under General Regulation 14) he may include all such registrations in a single Form 26, but, except as aforesaid, no objection shall relate to more than one registration.

(3) An objection form signed by an agent on behalf of an individual objector shall be supported by such evidence (if any) of the agent's authority as, after considering the objection, the registration authority may reasonably require.

(4) (a) Where an objection is of a type mentioned in sub-paragraph (b) below, the objection form must be accompanied by a plan clearly defining by distinctive colouring the land to which the objection relates, signed by the person who has signed the form.

(b) Paragraph (a) above applies to the following types of objection:—

(i) an objection to the registration of land as common land or as a town or village green relating to part only of the land comprised in a register unit;

(ii) an objection to the registration of a right of common relating to part only of the land over which the right is registered as exercisable;

(iii) an objection to the registration of a right of common relating to part only of the land to which the right is stated in the register to be attached, except where the part consists of one or more whole numbered parcels on the ordnance map and is described in the register and in the objection form by reference to the ordnance parcel numbers;

(iv) an objection to the registration of a claim to the ownership of land relating to part only of the land to which the registration applies.

*Manner of dealing with objections*

6.—(1) On receiving an objection, a registration authority shall allot a distinguishing number to it, and shall mark the objection form with that number. The number so allotted shall be from a single series, whatever the type of objection.

(2) The registration authority shall send the objector a receipt for his objection containing a statement of the number allotted thereto; and Form 6, if used for that purpose, shall be sufficient.

(3) Where a registration authority rejects an objection, it shall return the objection form to the objector, with a written statement giving the reasons for the rejection; and Form 27, if used for that purpose, shall be sufficient.

(4) In noting an objection on the register the registration authority shall follow Model Entry 22 or 23 as closely as possible, entering the note in the "Notes" space of the appropriate section of the register and omitting any reference to the grounds of objection.

(5) Where an objection to the registration of any land as common land or as a town or village green has been noted in a register, then whether or not any rights of common are registered over the land, the registration authority shall enter in the rights section of the register, or, where the land is or becomes registered both as common land and as a town or village green, in the rights section of each register, a note substantially in accordance with Standard Entry 8 in Part 2 of Schedule 2 to these Regulations, and shall not cancel the note until all objections to the registration, or, as the case may be, to either registration, have been withdrawn or finally disposed of.

(6) Forthwith after noting an objection on the register the registration authority shall send the objector a written statement in Form 27 to the effect that the objection has been noted on the register, and shall file the objection form and any plan thereto.

*Notice of objections*

7.—(1) Where a registration authority has noted on a register an objection to a registration, it shall within two weeks—

(a) give notice of the objection in Form 28 to the person (if any) on whose application the registration was made, to any person whose application is noted (whether under section 4(4) of the Act or under General Regulation 9(5)), and, where the registration is of land, to any person upon whose application rights have been registered over any part of the land and any person whose application has been noted under General Regulation 9(5); and

(b) send to every concerned authority a copy of the note made in the register, with sufficient particulars to enable the relevant registration to be identified.

(2) An authority receiving a document under this regulation shall keep it available for public inspection at all reasonable times.

(3) Where an objection to the registration of any land has been noted on the register, and rights over the land are thereafter registered on the application of any person, the registration authority shall give to that person, and to any person whose application to register those rights is noted under General Regulation 9(5), notice of the objection in Form 28.

*Cancellations, modifications and withdrawals*

8.—(1) A registration authority may, if it thinks fit, cancel or modify a registration to which objection is made under section 5 of the Act at the request of any person whose application is noted under General Regulation 9(5), if the person on whose application the registration was made and the other persons (if any) whose applications have been so noted consent in writing.

(2) Where a registration has been cancelled (whether or not by virtue of paragraph (1) above) the registration authority shall destroy any supplemental map relating to it.

(3) Where a registration has been cancelled or modified (whether or not the cancellation or modification was by virtue of paragraph (1) above) the registration authority shall, not later than twenty-one days after the date of the cancellation or modification, send notice in Form 15 to every concerned authority, to every person who made an objection to the registration, to the persons (if any) to whom notice was given under paragraph (3) of General Regulation 12 (conflicting registrations) and to every person who is entitled to receive notice of an objection to the registration, or who would be so entitled but for the cancellation; and, in the case of a modification, the notice shall if necessary incorporate a plan,

(4) Where an objection to a registration has been withdrawn, the registration authority shall—

- (a) note the withdrawal on the register as indicated in Model Entry 23;
- (b) inform the objector in writing that it has done so; and
- (c) send written notice of the withdrawal to every concerned authority and to every person entitled to receive notice of an objection to the registration.

(5) Every authority receiving a document under this regulation shall annex it to the copy of the registration or note of objection to which it relates and keep it available for public inspection at all reasonable times.

(6) General Regulation 13 (which contained provisions now included in the foregoing provisions of this regulation) is hereby revoked.

(7) Where any land has been registered both as common land and as a town or village green, and one of the registrations of the land is cancelled, paragraph (4) of General Regulation 14 (double registration of land) shall apply whether or not the cancellation is by virtue of General Regulation 12 (conflicting registrations) and, accordingly, the words "under regulation 12 above" in that paragraph are hereby revoked.

*Changes as to provisional register maps*

9.—(1) In this regulation, "new map" means any provisional register map taken into use after 30th June 1968, or any sheet so taken into use of a provisional register map consisting of more than one sheet.

(2) A map or sheet is taken into use for the purpose of this regulation on the date stamped on it by virtue of General Regulation 19.

(3) Paragraphs (2) and (5) of General Regulation 16 shall not apply to a new map, and paragraph (6) of that regulation shall not apply to any provisional register map which is a new map or of which any new map forms part.

(4) Every new map shall be prepared on an ordnance map of a scale of not less than six inches to one mile, but where the registration authority considers it expedient to show any particulars on a larger scale, it may insert an inset map for that purpose.

(5) Black shall not be used to mark a new map, every colour so used shall be a transparent colour, and every line, letter or other symbol so used which is not required by any other provision of these Regulations to be of any specified width shall be drawn or written as finely as possible. A coloured verge to be placed inside a boundary shall be placed with its outer edge touching the boundary.

(6) Every new map shall show:—

- (a) by a yellow verge inside the boundary, the word EXEMPTED and, where necessary, a red interrupted line on the boundary, any land situated in the area of the registration authority to which, by virtue of an order under section 11 of the Act, the provisions of sections 1 to 10 thereof do not apply;
- (b) by a green verge inside the boundary, the appropriate register unit number and, where necessary, a red interrupted line on the boundary, the land comprised in each register unit;
- (c) by red continuous lines and red lettering, or by red lettering alone, the limits of any land over which a registered right of common is exercisable, or to which a registration of ownership applies, so far as those limits do not coincide with the boundaries of the land comprised in a register unit, and cannot conveniently be described by reference to any feature appearing on the said map;
- (d) by violet hatching, with or without violet lettering, the hatching being delimited where necessary by a violet outline, land which has been removed from the register under section 13 of the Act, or of which the registration has been cancelled;
- (e) by blue interrupted lines approximately one millimetre wide, in lengths of approximately three to six millimetres with interruptions of similar length, any boundaries of the registration area falling within the said map;
- (f) by such other colours and symbols as (subject to paragraph (5) above) the registration authority may think fit, other particulars mentioned in the general part of the register, or in any registration (not being particulars of land to which rights of common are attached), which it is necessary or convenient to show on the said map.

(7) There shall be kept annexed to every provisional register map which is a new map or of which any new map forms part a table headed "Key to Colouring and Symbols" containing a description or representation of every colour or symbol used in the said provisional register map (except such of those used, whether under General Regulation 16(5)(f) or under paragraph (6)(f) above, as are not of general application) with a statement of the meaning of each such colour or symbol.

(8) General Regulation 17 (overlays) shall, in its application to a new map, have effect with the substitution, for references to sub-paragraphs (c), (d) and (f) of General Regulation 16(5), of references to sub-paragraphs (c), (d) and (f) of paragraph (6) above.

**SCHEDULE 1****Reg. 2****FORMS****FORM 22**

(Name of registration authority)

**COMMONS REGISTRATION ACT 1965****Common Land and Town or Village Greens:****Provisional Registrations and how to object to them*****Registrations***

The first period for applications for the registration under the above Act of—

- (a) land which is common land or a town or village green;
- (b) rights of common over such land, and
- (c) persons claiming to be owners of such land

ended on 30th June 1968.

The Council is the registration authority for the registration area of which particulars are given [at Annex A] below. The (Register of Common Land) (and the) (Register of Town or Village Greens)<sup>1</sup> for this registration area, containing all registrations so far made, (is) (are) available for inspection free of charge at the Council's office at (address where registers kept), between the hours of      a.m. and      p.m. on working days. [A table giving brief information about these registrations is at Annex B below.] In addition, each local authority other than the Council has available for inspection copies of registrations affecting land in its own area.<sup>2</sup>

No registrations were made during the first period in the Register of (Common Land) (Town or Village Greens).<sup>3</sup>

The second registration period began on 1st July 1968 and will end on 2nd January 1970. During this second period, applications may be made for the registration of land as common land or as a town or village green, of rights of common over such land, and of claims to ownership thereof, but a fee of £5 will normally be payable.

***Objections***

The period for objecting to registrations made before 1st July 1968 begins on 1st October 1968 and ends on 30th September 1970. Every objection must be made in writing on the special form of objection (C.R. Form No. 26) available from 15th August onwards free and post free from the Council at (address) and must reach the Council as registration authority at (the above address, or as the case may be) not earlier than 1st October 1968 nor later than 30th September 1970. After the latter date there will be no further opportunity for objecting to registrations made before 1st July 1968; those which are not effectively objected to will become final and definitive. Every objection which is not rejected is noted on the register as soon as possible after receipt, and particulars are sent by the registration authority to the person (if any) on whose application the registration was made, and to certain other persons directly interested in the registration. In addition, copies of register entries of objections are sent to local authorities holding copies of the registrations to which they relate.<sup>2</sup>

The noting of an objection on the register does not mean that it is officially admitted to be correct, and it has no immediate effect on the registration. The effect is that, unless the registration is cancelled, or the objector withdraws his objection, the matter will be referred to a Commons Commissioner for decision.

Objections to registrations made after 30th June 1968 may not be made yet; information about this will be published shortly before 1st May 1970, the earliest date for lodging objections. Registrations are independent of each other so that, for example, a registration of land as common land made before 1st July 1968 and not objected to

before 1st October 1970 will become final and definitive on the latter date, but if registrations of rights over that land, or claims to ownership thereof, are made after 30th June 1968 objections to such registrations can be made in the second objection period.

Dated

19

(Signature on behalf of registration authority)

<sup>1</sup> Delete as necessary.

<sup>2</sup> Omit this sentence where the registration area is that of a county borough.

<sup>3</sup> Delete one alternative, or the whole sentence if there are registrations in both registers.

#### [ANNEX A]

##### Particulars of Registration Area

(Here should be inserted a brief description of the registration area. Where it is identical with the administrative area it will usually only be necessary to say so, but if this is not the case, e.g. because of an agreement under section 2, or an order under section 11, of the Act, the registration area should be described by reference to the administrative area with short particulars of the land added, transferred to another registration authority, or exempted, the name of the registration authority responsible for any transferred land being given. Land in the New Forest, Epping Forest and the Forest of Dean, and land exempted under a section 11 order, will not be in any registration area, and a notice issued by a registration authority having any such land in its administrative area should state that the registration provisions of the Act do not apply to it.)

#### ANNEX B

##### Information about Registrations

(Here should be inserted a brief description of the lands registered under the Act, with a headed list for each register where there are registrations in both. Information of a general character as to registrations of rights and ownership should be included, and may be given by footnotes, e.g.:—

- "(a) rights of common are registered in respect of this land or part of it.
- (b) claims to ownership are registered in respect of this land or part of it."

*Note:* The wording in square brackets and the whole of Annex B may be omitted when preparing the notice for publication in the registration area.

FORM 23

(Name of registration authority)

**COMMONS REGISTRATION ACT 1965**

**Register of Common Land**

**Register of Town or Village Greens**

The first period for applications for the registration under the above Act of—

- (a) land which is common land or a town or village green;
- (b) rights of common over such land, and
- (c) persons claiming to be owners of such land

ended on 30th June 1968.

The Council, as registration authority for the registration area of which particulars are given below, hereby gives notice that no registrations were made in either of its registers during the first registration period referred to above. The second registration period began on 1st July 1968 and will end on 2nd January 1970. During this second period, applications may be made for the registration of land as common land or as a town or village green, of rights of common over such land, and of claims to ownership thereof, but a fee of £5 will normally be payable. Objections to registrations made after 30th June 1968 may not be made yet; information about this will be published shortly before 1st May 1970, the earliest date for lodging objections.

Dated

19 .

(Signature on behalf of registration authority)

**PARTICULARS OF REGISTRATION AREA**

(See under Annex A of Form 22)

(Name of registration authority)

**COMMONS REGISTRATION ACT 1965****Common Land and Town or Village Greens:****Provisional Registrations and how to object to them***Registrations*

The second and last period for applications for the registration under the above Act of—

- (a) land which is common land or a town or village green;
- (b) rights of common over such land, and
- (c) persons claiming to be owners of such land

ended on 2nd January 1970.

The Council is the registration authority for the registration area of which particulars are given [at Annex A] below. The (Register of Common Land) (and the) (Register of Town or Village Greens)<sup>1</sup> for this registration area, containing all registrations made under the Act, and notes of all objections so far made, (is) (are) available for inspection free of charge at the Council's office at (address where registers kept), between the hours of        a.m. and        p.m. on working days. [A table giving brief information about registrations made after 30th June 1968 is at Annex B below.] In addition, each local authority other than the Council has available for inspection copies of all registrations affecting land in its own area and copies of register entries of all objections so far made affecting such land.<sup>2</sup>

*Objections*

The period for objecting to registrations made after 30th June 1968 begins on 1st May 1970 and ends on 30th April 1972. The period for objecting to registrations made before 1st July 1968 is now running and will end on 30th September 1970.<sup>3</sup> Every objection must be made in writing on the special form of objection (C.R. Form No. 26) available free and post free from the Council at (address) and must reach the Council as registration authority at (the above address, or as the case may be)—

- <sup>4</sup>(a) in the case of an objection to a registration made before 1st July 1968, not later than 30th September 1970, and
- (b) in the case of an objection to a registration made after 30th June 1968<sup>4</sup>, not earlier than 1st May 1970 nor later than 30th April 1972.

Registrations are independent of each other, so that, for example, a registration of land as common land made before 1st July 1968 and not objected to before 1st October 1970 will become final and definitive on the latter date, but if registrations of rights over that land, or claims to ownership thereof, are made after 30th June 1968 objections to such registrations can be made in the second objection period.

Every objection which is not rejected is noted on the register as soon as possible after receipt, and particulars are sent by the registration authority to the person (if any) on whose application the registration was made, and to certain other persons directly interested in the registration. In addition copies of register entries of objections are sent to local authorities holding copies of the registrations to which they relate.<sup>2</sup>

The noting of an objection on the register does not mean that it is officially admitted to be correct, and it has no immediate effect on the registration. The effect is that,

unless the registration is cancelled, or the objector withdraws his objection, the matter will be referred to a Commons Commissioner for decision.

Dated

19 .

(Signature on behalf of registration authority)

**1** Delete as necessary.

**2** Omit this sentence where the registration area is that of a county borough.

**3** Omit this sentence if there were no first period registrations.

**4-4** Omit this passage if there were no first period registrations.

[ANNEX A]

**Particulars of Registration Area**

(See under Annex A of Form 22)

**ANNEX B**

**Information about Registrations in Second Period:**

**Open to Objection from 1st May 1970 to 30th April 1972**

(See under Annex B of Form 22)

**Note:** The wording in square brackets and the whole of Annex B may be omitted when preparing the notice for publication in the registration area.

FORM 25

(Name of registration authority)

**COMMONS REGISTRATION ACT 1965****Register of Common Land****Register of Town or Village Greens**

The second and last period for applications for the registration under the above Act of—

- (a) land which is common land or a town or village green;
- (b) rights of common over such land, and
- (c) persons claiming to be owners of such land

ended on 2nd January 1970.

The Council, as registration authority for the registration area of which particulars are given below, hereby gives notice that no registrations (were) (have been)\* made in either of its registers (after 30th June 1968).\*

Do not insert  
this paragraph if  
there were no  
first period  
registrations.

Registrations were, however, made in the (Register of Common Land) (Register of Town or Village Greens) (both the above-mentioned registers)\* before 1st July 1968, and these registrations are open to objection until 30th September 1970, which is the last date for lodging objections. The special form of objection (C.R. Form No. 26) obtainable free and post free from the Council at (address), must be used.

Dated

19

(Signature on behalf of registration authority)

**PARTICULARS OF REGISTRATION AREA****(See under Annex A of Form 22)****\*Delete as necessary.**

**FORM 26****Commons Registration Act 1965****Notes and Objection Form****NOTES**

Please read these notes first—an incorrectly completed objection form may be rejected. Then complete the objection form, taking a copy for your own records on the duplicate objection form provided (a carbon sheet may be used for this). Having signed the completed form, detach it at the perforation and send or take it to the registration authority, keeping these notes and the duplicate form for reference.

***Registration particulars***

1. Two separate registers are kept by each registration authority—a Register of Common Land and a Register of Town or Village Greens. To find out whether any land has been registered as common or green, or whether there are any registrations of rights of common over, or claims to ownership of such land, you may inspect the registers at the office of the registration authority (the Greater London Council or the county council or county borough council concerned). Alternatively, you may inspect the copies of register entries affecting land in their areas held by other local authorities including parish councils. On inspection, you should take a note of all the particulars you will require to complete the objection form—the name of the register, the register unit number, the section (land, rights or ownership) and the registration entry number.

***Scope of objection***

2. Each objection must relate to one registration (of land, of rights of common or of ownership) and no more, except as explained in Note 3 below. If you wish to object to two or more registrations, and Note 3 does not apply, you must fill in as many objection forms as there are registrations you wish to object to.

***Exceptions to Note 2***

3. There are two cases where Note 2 does not apply, viz.—

*Case (A).* If you wish to object to two or more registrations of rights of common in the same register unit and for the same reasons, you may include all such registrations on this one form.

*Case (B).* If you object to the registration of the land itself as common land, or as a town or village green, your objection is automatically treated as being also an objection to every registration of a right of common over the land which may already have been made or which may be made in the future. (This is because rights of common cannot be registered under the Act unless the land over which they are exercisable is itself so registered. Your objection to the registration of the land, if successful, would cause it to cease to be registered, and the rights of common would have to be cancelled also.)

***Time limits for objections***

4. If the registration you wish to object to was made before 1st July 1968 your objection, properly completed and signed, must reach the registration authority between 1st October 1968 and 30th September 1970. If the registration you wish to object to was made after 30th June 1968 your objection must reach the registration authority between 1st May 1970 and 30th April 1972. (A registration is "made" on the date when it is entered in the register, i.e. the date appearing in the left-hand column of the register sheet.) If an objection reaches the registration authority outside its proper period it will be invalid and the authority cannot entertain it.

*Objection must relate to an existing registration*

5. Except as explained in Case (B) of Note 3 above, every objection must relate to a registration already appearing either in the Register of Common Land or in the Register of Town or Village Greens, so that you cannot make an objection until a registration has taken place. You cannot, for example, object to certain land being registered as common land simply because you fear that someone may be about to register it as such.

*Conflicting registrations taking effect as objections*

6. As the following examples will show, there are cases where it is better not to make an objection, but to make a conflicting registration instead; this cannot, however, be done after 2nd January 1970, the last date for applying for registration.

*Example (1).* If land is registered as common land, and you think it should have been registered as a town or village green, but you do not wish to object to the registration of rights of common over it, your correct course is not to object to its registration as common land (which would automatically take effect as an objection to every registration of rights of common over it as explained in Case (B) of Note 3 above), but to apply to have it registered as a town or village green. This is called a conflicting registration, and it takes effect as an objection to the earlier registration of the land as common land but *not* to any registration of rights of common over it. Unless one or other of the registrations of the land is, by permission of the registration authority, cancelled, the matter of the conflict would go before a Commons Commissioner for decision.

*Example (2).* If someone is registered under the Commons Registration Act 1965 as owner of land which you claim that you own, you should not object but register your ownership, as this will automatically take effect as an objection to the earlier ownership registration, and then, unless one or other of the registrations is cancelled the matter would go to the Commons Commissioner for decision. If he decided in your favour your name would appear on the register as owner. A mere objection to the earlier ownership registration, on the other hand, would if successful simply have the effect of striking out the earlier registration but would not result in the name of the correct owner being put in its place.

*Example (3).* If you are the landlord (or tenant) of land to which there is attached a right of common of grazing, your tenant (or landlord) may have registered the right in a way which you consider incorrect, e.g. by stating wrongly the number of animals or the area of the land over which the right exists. If you consider that that number or area is *too small*, you should yourself apply for registration of the right as you claim it exists. Then, unless one or other of the registrations is cancelled, the Commons Commissioner will (subject to any other objections which may be made) decide which registration is correct. On the other hand, if you think the right has been *over-stated* in the registration, it is sufficient merely to lodge an objection, although registration of the right as you believe it to be will serve the same purpose.

*Action by registration authority: withdrawal*

7. The registration authority will, on receiving your objection, send an acknowledgment. You should receive this within 10 days; if you do not you should get into touch with the registration authority. Later, the registration authority will let you know whether your objection has been accepted for noting on the register or rejected. If it is rejected you will be told the reasons. If it is accepted, it will be noted on the register together with your name and address, and notice of it will be sent to the person (if any) on whose application the registration was made and to any person whose application is noted on the register in respect of the registration. If the objection is to a registration of land, notice will also be sent to every person who registers, or has

already registered, a right of common over the land, and to every person whose application is noted in respect of a registration of a right of common (see Case (B) of Note 3). Acceptance does not imply that your objection is correct, and it has no immediate effect on the registration—it merely means that unless the registration is cancelled, or you withdraw your objection (which you can do by writing to the registration authority), the matter will be referred to a Commons Commissioner (see Note 8). There may be several reasons why you might wish to withdraw your objection. For example, after consultation with the person on whose application the registration was made you may decide that, after all, his claim is well-founded and your objection mistaken. On the other hand, the person on whose application the registration was made may ask the registration authority to modify the registration, and the authority may agree to do so. You may consider that the modified registration is correct. If so, you should write to the registration authority as soon as possible withdrawing your objection as otherwise the matter will be referred to a Commons Commissioner.

#### *Reference to Commons Commissioner*

8. If your objection is noted on the register, and you do not withdraw it, and the registration objected to is not cancelled, the matter will be referred to a Commons Commissioner for decision. His decision (or that of the High Court on any appeal against his decision) will be final. The hearing before the Commissioner will not in any case take place before 1st January 1971 and not until considerably later in certain cases, for example if the registration is affected by a registration made after 30th June 1968. You will be informed in writing as soon as the matter has been referred to the Commissioner. Later, you will be advised of the time and place of the hearing, and will be entitled to appear, that is, to be heard and to produce evidence in support of your objection. An individual objector may appear in person, and any objector may be represented by counsel or solicitor, or, with the Commissioner's permission, by any other person authorised by the objector in writing.

#### *Grounds of objection*

9. In stating the grounds of your objection be as brief as possible, but remember that you may be limited to these grounds at the hearing, so that it is important to state them completely. You should not, however, state the evidence which you will rely on at the hearing before the Commons Commissioner. The following examples of possible objections show the manner in which the grounds of objection should be stated:—

- (A) Example of an objection to a registration of land as common land.  
That the land, or some part thereof (describe the part by plan—see Note 10 below) was not common land at the date of registration.
- (B) Examples of objections to a registration of rights of common.
  - (1) That the person named as the applicant for registration was not entitled to apply in the capacity stated in the register (e.g. as owner, landlord or tenant).
  - (2) That the right does not exist at all.
  - (3) That the right does not extend over all the land over which it is stated to be exercisable (the part over which you consider it not to be exercisable must be described by plan—see Note 10).
  - (4) That the rights should comprise fewer (state how many) animals, or other (state which) animals.
  - (5) That the right is misdescribed as to the produce to be taken, the periods when exercisable, the land to which attached, etc. (in each case state how you consider the entry in the register should read).
- (C) Example of an objection to a registration of a person as owner of land.  
That the person named as owner was, at the date of his registration as such, not the owner of the land, or not the owner of a part of it (describe the part by plan—see Note 10). (But see Note 6, example (2), if you yourself claim to be the owner of any part of the land.)

As in the above examples, the objection must relate to the state of affairs existing at the date of registration. It is not a valid ground of objection, for example, that land has ceased to be common land or a town or village green at some date after the date of its registration as such. The correct course in such a case is for the owner of the land to apply on C.R. Form 17 for the amendment of the register.

You may have two or more grounds of objection; if so, you should state them all. Grounds of objection which are relied on in the alternative need not be consistent with each other—for instance, in objecting to a registration of a right of common, you may feel justified in challenging the very existence of the right, but if the Commissioner should decide that it does exist, you may be able to substantiate an alternative ground (if you have stated it in your objection), e.g. that the right is not exercisable over all the land included in the registration, or that it is exercisable (in the case of a right of grazing) in relation to fewer animals than the number stated in the registration.

*Plans, etc.*

10. In the following cases the objection form must be accompanied by a plan:—

- (a) where the objection is to a registration of land as common or green but affects part only of the land comprised in a register unit;
- (b) where the objection is to a registration of a right of common but affects part only of the land over which the right is registered as exercisable;
- (c) where the objection is to a registration of a claim to the ownership of land but affects part only of the land to which the claim relates.

The plan must clearly define, by distinctive colouring, the area of land to which the objection relates, and it must be signed by the person who signs the form. It should preferably be on a scale of not less than six inches to one mile, and be securely attached to the form.

A plan prepared as above must also accompany the objection form where the objection is to the registration of a right of common but affects part only of the land to which the right is claimed to be attached, unless the part consists of one or more whole numbered parcels on the ordnance map, and is described in the register by reference to the ordnance parcel numbers, in which case the description may be by reference to these numbers.

In cases other than those above mentioned, no plan is required.

*Evidence in support of objection at hearing*

11. It is stated in Note 9 above that you should not, in submitting your objection, state the evidence on which you will rely at the hearing before the Commons Commissioner in support of the grounds of objection which you have put forward. However, at the hearing itself you must be ready with this evidence, which may consist of the testimony of yourself or of others, deeds and other documents, or the opinions of experts. Once a *prima facie* case has been established in support of the registration the burden will be on you, as the objector, to disprove that case if you can. If you cannot do so, the consequences referred to in Note 12 below may follow.

*Groundless objections*

12. If the Commissioner finds that your objection discloses no valid grounds why the registration should be modified or made void, or that it is for any other reason ill-founded, he will dismiss it, and may order you to pay the costs of any other party to the proceedings. If, therefore, you are uncertain whether or not to make an objection, or, having made it, whether or not to withdraw it, it is in your interests to seek legal advice.

**Form 26 (Objection Form)****For official use only**

**This portion to be detached  
and sent to the registration  
authority**

**OBJECTION to registration(s) under the Commons  
Registration Act 1965**

**Official stamp of registration  
authority indicating date of receipt**

**Objection No.....**

**To the (name of registration authority) ..... Council**

**I hereby object to the under-noted registration(s) on the grounds stated.**

- 1. Name and address of person making  
the objection.**

.....

.....

.....

- 2. Name and address of solicitor if any.  
(Fill this space only if a solicitor has  
been instructed for the purposes of  
the objection. If it is filled, all cor-  
respondence and notices will be sent  
to the solicitor.)**

.....

.....

.....

- 3. Reference (if any) of the objector or  
his solicitor.**

.....

- 4. Register in which the registration(s)  
objected to appear(s).**

**\*Common Land/Town or Village Greens**

- 5. Register unit number.**

.....

- 6. Section of register in which registra-  
tion appears.**

**\*Land/Rights/Ownership**

- 7. Registration entry number(s).**

.....

.....

- 8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The  
plan must be signed by the person who signs the form.)**

**Dated.....19 . Signature.....**

**(In the case of an objection by a body corporate or unincorporate, or charity trustees,  
this form must be signed by the secretary or some other duly authorised officer.)**

**\*Strike out whichever does not apply.**

**Form 26 (Objection Form—Duplicate)**

To be retained by  
the objector

**OBJECTION to registration(s)  
under the  
Commons Registration  
Act 1965**

**For objector's use**

Date on which  
original sent  
to registration  
authority.....

Objection No.  
(registration  
authority will  
advise on re-  
ceipt of ob-  
jection) .....

To the (name of registration authority).....Council  
I hereby object to the under-noted registration(s) on the grounds stated.

1. Name and address of person making  
the objection.

.....  
.....  
.....

2. Name and address of solicitor if any.  
(Fill this space only if a solicitor has  
been instructed for the purposes of  
the objection. If it is filled, all  
correspondence and notices will be  
sent to the solicitor.)

.....  
.....  
.....  
.....

3. Reference (if any) of the objector  
or his solicitor.

.....

4. Register in which the registration(s)  
objected to appear(s).

\*Common Land/Town or Village Greens

5. Register unit number.

.....

6. Section of register in which regis-  
tration appears.

\*Land/Rights/Ownership

7. Registration entry number(s).

.....

.....

8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The  
plan must be signed by the person who signs the form.)

Dated.....19 Signature.....

(In the case of an objection by a body corporate or unincorporate, or charity trustees,  
this form must be signed by the secretary or some other duly authorised officer.)

\*Strike out whichever does not apply.

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**FORM 27**

(Name and address of registration authority)

**COMMONS REGISTRATION ACT 1965****Notification of (Entry in Register) (Rejection)\*****of an objection**

Objection No..... Register .....

Register Unit No..... Section .....

Registration Entry No(s).....

To (name of objector)..... or his solicitor.

Your reference.....

1.\* The objection above referred to was noted against the above-mentioned registration(s) on (date).....

2.\* Your objection, which is returned herewith, has been rejected for the following reasons:—

Official Stamp of  
registration authority

\*Delete as necessary

FORM 28

(Name and address of registration authority)

**COMMONS REGISTRATION ACT 1965****NOTICE OF OBJECTION**

To the person (if any) on whose application the under-mentioned registration was made (and)<sup>1</sup> to any person whose application is noted on the register in respect thereof, (and to any person upon whose application rights have been registered over land comprised in the said registration or whose application has been noted on the register in respect of any such rights).<sup>2</sup>

**PLEASE TAKE NOTICE** that the registration entry No.....in the (Land) (Rights) (Ownership)<sup>1</sup> section of register unit number.....in the Register of (Common Land) (Town or Village Greens)<sup>1</sup> has been objected to by the person(s) whose name(s) and address(es) are set out in the Annex below, that the objection(s) (has) (have)<sup>1</sup> been noted in the register, and that the grounds of objection are as stated in the Annex.

An objection to the registration of the land as (common land) (a town or village green)<sup>1</sup> takes effect also as an objection to any registration (whenever made) of any rights over the land.<sup>3</sup>

The noting of an objection on the register does not mean that it is officially admitted to be correct, and it has no immediate effect on the registration. The effect is that, unless the registration is cancelled, or the objector withdraws his objection by written request to the registration authority, the matter will be referred to a Commons Commissioner (see below).

You may, if you wish, request the Council as registration authority to cancel or modify the registration, which the Council will only do if it thinks fit (and subject to any necessary consents).<sup>4</sup> An objection, however, may be withdrawn by the objector without obtaining permission; you will be informed in writing of any withdrawal.

Any objection to the registration which is not withdrawn will, unless the registration has been cancelled, be referred to a Commons Commissioner, and you will be entitled to appear at the hearing before the Commissioner, that is, to be heard and to produce evidence in support of the registration. You will be notified in due course of the time and place of the hearing. This will not in any case take place before 1st January 1971, and not until considerably later in certain cases, for example if the registration is affected by a registration made after 30th June 1968. An individual may appear at the hearing personally or by counsel, solicitor or (with the Commissioner's consent) any other person authorised by him in writing. A body corporate or unincorporate may appear by counsel, solicitor, or (with the Commissioner's consent) any other person duly authorised in writing.

The Commissioner will inquire into all objections to the registration which are not withdrawn, and will either confirm the registration, with or without modifications, or refuse to confirm it. His decision (or that of the High Court on any appeal against his decision) will be final. He will have power to order any party to proceedings before him to pay to any other party to those proceedings any costs incurred by that party in respect of the proceedings.

Official Stamp of registration authority
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<sup>1</sup>Delete inappropriate wording.

<sup>2</sup>The words in brackets are for use only in the case of a registration of land.

<sup>3</sup>This paragraph is for use only when notifying persons interested in a rights registration of an objection to the registration of the land.

<sup>4</sup>The words in brackets are for use only in the case of a rights registration.

**ANNEX**

Objection No.	Name and address of objector	Grounds of objection*

\*Where an objection relates to part only of any land as mentioned in regulation 5(4) (b), the part must be described here, with a plan if necessary.

Reg. 2

## SCHEDULE 2

## PART 1

## MODEL ENTRIES

## No. 22

*For Notes, any section of register:* where an objection relates to several registrations of rights of common, this example can be adapted accordingly.

No. and date of note	Notes
10 11 October 1968	The objection No.....of A. B. of etc..... made the.....19... is noted in respect of registration entry No. 5 in this section.

## No. 23

*For Notes, any section of register:* an alternative method of noting objections where there are a large number. A note of a withdrawn objection should be struck through, and a cross-reference made to the note of withdrawal, as shown at Notes 12 and 21 below.

No. and date of note	Notes		
	No. and date of objection	No. of entry objected to	Name and address of objector
10 11 October 1968	27 1 October 1968	5	A. B. of etc.
11 14 October 1968	38 8 October 1968	7	C. D. of etc.
12 14 October 1968	39 8 October 1968 (See Note 21 below)	18	E. F. of etc.
21 2 December 1968	The objection of E. F. noted at Note 12 above has been withdrawn.		

PART 2  
STANDARD ENTRY

No. 8

*For Notes, rights section of register.*

Every objection to the registration, whether as common land or as a town or village green, of any land comprised in this register unit has effect as an objection to any registration (whenever made) under section 4 of the Commons Registration Act 1965 of any rights over that land, whether that registration appears in this register or in the Register of (Common Land) (Town or Village Greens).\* If any of the land is also registered as (common land) (a town or village green)\*, a note to that effect will appear in each section of this register unit.

\*Delete inappropriate wording.

Given under the official seal of the Minister of Housing and Local Government on  
24th June 1968

(L.S.)

*Anthony Greenwood,*  
Minister of Housing and Local Government.

*George Thomas,*  
One of Her Majesty's Principal Secretaries of State.

.24th June 1968.

Welsh Office.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.).*

These Regulations provide for publicity about facilities for objecting to the provisional registration, under the Commons Registration Act 1965, of land as common land or as a town or village green, and of rights of common over and claims to ownership of such land. They prescribe the form to be used for objections, the periods within which objections must be made and the manner of noting them in the registers; and they provide for notice to be given to interested persons. The Regulations also introduce new colouring and symbols for register map sheets which are taken into use after 30th June 1968.