
STATUTORY INSTRUMENTS

1969 No. 1843

COMMON

The Commons Registration (New Land) Regulations 1969

Made - - - 19th December 1969

Laid before Parliament 2nd January 1970

Coming into Operation 3rd January 1970

The Minister of Housing and Local Government and the Secretary of State, in exercise of their respective powers under paragraphs (a) and (b) of section 13, paragraphs (a), (b), (g), (i) and (k) of subsection (1), and subsections (2) and (4) of section 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 (New Land) Regulations 1969, and shall come into operation on 3rd January 1970.

Interpretation

2.—(1) The Interpretation Act 1889(c) applies 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 ;

“application” means an application under these Regulations ;

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

“Form 6” means the form so numbered in the General Regulations or a form to substantially the same effect, and “Form” followed by a number above 28 means the form so numbered in the Schedule to these Regulations, or a form to substantially the same effect ;

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

“Model Entry” followed by a number means the specimen entry so numbered in Part 1 of Schedule 2 to the General Regulations, and “Standard Entry” followed by a number means the specimen entry so numbered in Part 2 of that Schedule, or an entry to substantially the same effect ;

(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) The amending instruments are S.I. 1968/658, 1968/989 (1968 I, p. 1490; 1968 II, p. 2615).

“provisional registration” means a registration under section 4 of the Act which has not become final ;

“substituted land” and, in relation to any substituted land, “the taken land”, bear the same meanings as in General Regulation 28.

(3) A requirement upon a registration 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) Any requirement (however expressed) that a registration authority shall send anything to “the applicant” shall, where a solicitor has been instructed for the purposes of an application, be deemed to be satisfied by sending it to the solicitor, or, where two or more persons are concerned together in an application and no solicitor has been instructed, to that one of them whose name appears first in the application form.

(7) 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.

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

Land becoming common land or a town or village green

3.—(1) Where, after 2nd January 1970, any land becomes common land or a town or village green, application may be made subject to and in accordance with the provisions of these Regulations for the inclusion of that land in the appropriate register and for the registration of rights of common thereover and of persons claiming to be owners thereof.

(2) Where any land is for the time being registered under the Act, no application shall be entertained for its registration under these Regulations, and, where any land is for the time being registered under section 4 of the Act (whether or not the registration has become final) no application shall be entertained for the registration of rights of common over it.

(3) No person shall be registered under these Regulations as the owner of any land which is registered under the Land Registration Acts 1925 to 1966(b) and no person shall be registered under these Regulations as the owner of any other land unless the land itself is registered under these Regulations.

(4) An application for the registration of any land as common land or as a town or village green may be made by any person, and a registration authority

(a) 1933 c. 51.

(b) 1925 c. 21; 1936 c. 26; 1966 c. 39.

shall so register any land in any case where it registers rights over it under these Regulations.

(5) An application for the registration of a right of common over land which is registered, or which is capable of being registered, under these Regulations, may be made by the owner of the right, or by any person entitled by law to act, in relation to the right, on the owner's behalf or in his stead, or, where the right belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

(6) An application for the registration of a claim to the ownership of any land registered under these Regulations may be made by the owner of the land, or by any person entitled by law to act, in relation to the land, on the owner's behalf or in his stead, or, where the land belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

(7) An application must be—

(a) in Form 29, 30, 31 or 32 as appropriate ;

(b) signed by or on behalf of every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or unincorporate ;

(c) accompanied by such documents (if any) as may be requisite under regulation 4 below ;

(d) supported—

(i) by a statutory declaration as set out in the appropriate form of application, with such adaptations as the case may require, to be made by the applicant, or by one of the applicants if there is more than one, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, or charity trustees, by its or their solicitor or by the person who signed the application ; and

(ii) by such further evidence, if any, as, at any time before finally disposing of the application, the registration authority may reasonably require.

Documents to accompany applications

4.—(1) Subject to paragraph (2) below, every application must be accompanied by, or by a copy or sufficient abstract of, every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production.

(2) In the case of an application for the registration of any rights of common, or of a claim to the ownership of any land, the applicant shall not be obliged to furnish to the registration authority, or to disclose the existence of, any document which he would not be obliged to abstract or produce to a purchaser under a contract for the sale by the applicant of the rights or the land made otherwise than by correspondence and containing no stipulations as to title.

Disposal of applications

5.—(1) On receiving an application, the registration authority shall allot a distinguishing number to it, and shall mark the application form with that number.

(2) Where a registration authority receives an application for the registration of a right of common affecting any coal or anthracite it shall, before entertain-

ing the application, serve notice in writing to that effect upon the National Coal Board, giving the name and address of the applicant and particulars of the right of common, of the land over which it is exercisable and of the land (if any) to which it is attached.

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

(4) Subject to paragraph (7) below, a registration authority shall, on receipt of an application,—

(a) send a notice in Form 33, 34 or 35, as appropriate, to every person (other than the applicant) whom the registration authority has reason to believe (whether from information supplied by the applicant or otherwise) to be an owner, lessee, tenant or occupier of any part of the land affected by the application, or to be likely to wish to object to the application ;

(b) publish in the concerned area, and display, such a notice as aforesaid, and send the notice and a copy of the application to every concerned authority ;

(c) affix such a notice to some conspicuous object on any part of the land which is open, unenclosed and unoccupied, unless it appears to the registration authority that such a course would not be reasonably practicable.

(5) The date to be inserted in any notice under paragraph (4) above by which statements in objection to an application must be submitted to the registration authority shall be such as to allow an interval of not less than six weeks from the latest of the following dates, that is to say, the date on which the notice is displayed by the registration authority, or is published, or may reasonably be expected to be delivered in due course of post or to be displayed under paragraph (6) below.

(6) Every concerned authority receiving, under this regulation, a notice and a copy of an application shall forthwith display copies of the notice, and shall keep the copy of the application available for public inspection at all reasonable times until informed by the registration authority of the disposal of the application.

(7) Where an application appears to a registration authority after preliminary consideration not to be duly made, the authority may reject it without complying with paragraph (4) above, but where it appears to the authority that any action by the applicant might put the application in order, the authority shall not reject the application under this paragraph without first giving the applicant a reasonable opportunity of taking that action.

(8) In this regulation “concerned area” means, in the case of a registration authority which is the council of a county borough, an area including the area of the county borough and the area of every concerned authority, and in any other case, an area including the area of every concerned authority.

Consideration of objections

6.—(1) As soon as possible after the date by which statements in objection to an application have been required to be submitted, the registration authority shall proceed to the further consideration of the application, and the consideration of statements (if any) in objection thereto, in accordance with the following provisions of this regulation.

(2) The registration authority shall not consider any statement in objection to an application unless it is in writing and signed by or on behalf of the person making it, but, subject as aforesaid, the authority shall consider every statement in objection to an application which it receives before the date on which it proceeds to the further consideration of the application under paragraph (1) above, and may consider any such statement which it receives on or after that date and before the authority finally disposes of the application.

(3) The registration authority shall send the applicant a copy of every statement which it is required under paragraph (2) above to consider, and of every statement which it is permitted under that paragraph to consider and intends to consider, and shall not reject the application without giving the applicant a reasonable opportunity of dealing with the matters contained in the statements of which copies are sent to him under this paragraph and with any other matter in relation to the application which appears to the authority to afford prima facie grounds for rejecting the application.

Method of registration

7.—(1) Where a registration authority accepts an application, it shall make the necessary registration, following as closely as possible whichever of the Model Entries 4 and 7 to 12 may be applicable, with such variations and adaptations as the circumstances may require, but with the substitution, for the words “(Registration provisional.)”, of the words “(Registration under section 13 of the Act.)”.

(2) The provisions of paragraphs (2) to (7) of General Regulation 10 shall apply to registrations under these Regulations as they apply to provisional registrations.

(3) The provisions of regulation 9 of the Commons Registration (Objections and Maps) Regulations 1968^(a) (changes as to provisional register maps) shall apply for the purposes of section 13 of the Act as they apply for the purposes of section 4 thereof, and, accordingly, the following shall be substituted for the definition of “registration” in regulation 2(2) of the said regulations:—

“registration”, except in regulation 9 below, means registration under section 4 of the Act, and “registered” shall be construed accordingly;”.

(4) Where a registration authority has made a registration under this regulation, it shall file the application form and any plan thereto which is not required for the purpose of General Regulation 20 (supplemental maps) and shall return all other documents which accompanied the application form to the applicant.

Information about disposal of applications, and procedure on rejection

8.—(1) When a registration authority has disposed of an application and, if it has accepted the application, has made the necessary registration, it shall give written notice of the fact to every concerned authority, to the applicant and to every person whose address is known to the registration authority and who objected to the application, and such notice shall include, where the registration authority has accepted the application, details of the registration, and, where it has rejected the application, the reasons for the rejection.

(2) A person shall be taken to have objected to an application for the purposes of paragraph (1) above if he submitted a statement in objection to the

(a) S.I. 1968/989 (1968 II, p. 2615).

application which the registration authority was required to consider under paragraph (2) of regulation 6 above or which it did consider under that paragraph.

(3) Where a registration authority has rejected an application, it shall return the application form and all accompanying documents to the applicant.

Substituted land

9.—(1) Where under these Regulations a registration authority registers any substituted land in a register, and the taken land is registered in that register, then—

(a) if no application has been duly made under General Regulation 27 for the removal of the taken land from the register, the authority shall nevertheless amend the register in relation to the taken land as shown in Standard Entry 6 ;

(b) if such an application has been duly made, the registration authority shall not be required to comply with paragraphs (5) to (8) of General Regulation 27 (except so much of paragraph (7) thereof as requires the register to be amended in accordance with Standard Entry 6).

(2) In General Regulation 28(1) (which prohibits the removal of any taken land from a register until the substituted land has been registered under the Act, unless the substituted land is exempt from registration under section 11 of the Act) the words “unless it is exempt from registration under section 11 thereof” are hereby revoked, but without prejudice to their effect in relation to applications and registrations under section 4 of the Act.

Land descriptions

10.—(1) Land must be described for the purposes of any application—

(a) by a plan accompanying the application and referred to therein ; or

(b) in the case of land already registered under the Act, by a reference to the register sufficient to enable the land to be identified ; or

(c) in the case of land to which rights of common are attached, by reference to the numbered parcels on the most recent edition of the ordnance map (quoting the edition).

(2) Any plan accompanying an application must—

(a) be drawn to scale ;

(b) be in ink or other permanent medium ;

(c) be on a scale of not less, or not substantially less, than six inches to one mile ;

(d) show the land to be described by means of distinctive colouring ; and

(e) be marked as an exhibit to the statutory declaration in support of the application.

SCHEDULE

Regulation 2

FORMS

FORM 29

Official stamp of registration
authority indicating date
of receipt

Application No.

Register unit No(s):

CL

*This section for
official use only*

CL

COMMONS REGISTRATION ACT 1965, SECTION 13
APPLICATION FOR THE REGISTRATION OF LAND
WHICH BECAME COMMON LAND AFTER 2nd
JANUARY 1970

*IMPORTANT NOTE:—Before filling in this form, read care-
fully the notes at the end. An incorrectly completed appli-
cation form may have to be rejected.*

¹*Insert name of
registration
authority*

To the¹

Application is hereby made for the registration as common
land of the land described below, which became so registrable
after 2nd January 1970.

Part 1.

**Name and address of the applicant or (if more than one) of every
applicant.**

*(Give Christian names
or forenames and
surname or, in the case
of a body corporate or
unincorporate, the full
title of the body. If
part 2 is not completed
all correspondence and
notices will be sent to
the first-named appli-
cant.)*

Part 2.

Name and address of solicitor, if any.

*(This part should be
completed only if a
solicitor has been
instructed for the
purposes of the
application. If it is
completed, all
correspondence and
notices will be sent to
the solicitor.)*

Part 3. Particulars of the land to be registered, i.e. the land claimed to have become common land.

Name by which usually known

Locality

Colour on plan herewith

Part 4. On what date did the land become common land?

Part 5. How did the land become common land?

Part 6. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to have become common land. (If none are known, write "none".)

Part 7. For applications to register substituted land (see Note 5); to be disregarded in other cases.

Particulars of the "taken land", i.e. the land which ceased to be common land when the land described in part 3 became common land.

Name by which usually known

Locality

Colour on plan herewith (if any)

If registered under the 1965 Act, register unit No(s).

Part 8. List of supporting documents sent herewith, if any. (If none are sent, write "none".)

Part 9.

If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land is believed to dispute the claim that it has become common land) full particulars should be given here.

²The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or unincorporate.

Date19 .

Signatures².....

.....

.....

(See Note 10)

STATUTORY DECLARATION IN SUPPORT

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor or by the person who signed the application.

¹*Insert full name (and address if not given in application form).*

²*Delete and adapt as necessary.*

³*Insert name if applicable.*

I¹,
solemnly and sincerely declare as follows:—

1.² I am ((the person) (one of the persons) who (has) (have) signed the foregoing application) ((the solicitor to (the applicant) (³ one of the applicants)).

2. I have read the Notes to the application form.

3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 8 and 9 of the application.

⁴*Insert "marking" as on plan.*

4. The plan now produced and shown to me marked 4⁴ " " is the plan referred to in part 3 of the application.

⁵*Delete this paragraph if there is no plan referred to in part 7.*

5.⁵ The plan now produced and shown to me marked 4⁴ " " is the plan referred to in part 7 of the application.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835(a).

Declared by the said..... }
..... }
at } *Signature of Declarant*
in the.....of..... }
this.....day of.....19 . }

Before me,

Signature

Address

Qualification

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any plan as an exhibit.

(a) 1835 c. 62.

NOTES

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land which is claimed to have become common land. The registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council. However, if the land in question is partly in the area of one registration authority and partly in that of another, the authorities may by agreement have provided for one of them to be the registration authority for the whole of the land. An applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should therefore enquire whether such an agreement has been made and, if so, which authority is responsible for the land.

2. Who may apply for registration

An application for the registration of any land which has become common land after 2nd January 1970 may be made by any person, but a person who wishes to apply for the registration of rights of common over land which became common land after 2nd January 1970 should use C.R. Form 31 and not this form, whether or not the land itself has been registered under the Act.

3. No double registration

If the land is already registered under the Act, whether in the Register of Common Land or in the separate Register of Town or Village Greens, and whether the registration is provisional, final, or under section 13 of the Act (which relates to land becoming common land or a town or village green after 2nd January 1970), an application for registration cannot be entertained, but this does not prevent the submission of an application later on, should the existing registration cease for any reason to be effective (as, for example, by the land being removed from the register under section 13 or by a provisional registration being cancelled or failing to achieve finality). If an earlier registration is believed to exist a search of the register may be obtained by means of C.R. Form 21 (a separate form must be used for each register).

4. Meaning of "common land"

For the purpose of an application after 2nd January 1970, common land may be taken to mean either—

- (a) land which, after 2nd January 1970, became subject to rights of common (see Note 6 below) whether those rights are exercisable at all times or only during limited periods; or
- (b) land which, after 2nd January 1970, became "substituted land", whether or not subject to rights of common (this category is explained in Note 5 below).

It does not include a town or village green or any land forming part of a highway. (There is a separate form available for applying for the registration under the Act of land which became a town or village green after 2nd January 1970.) "Land" includes land covered with water, so that common land can, for instance, include ponds and lakes.

5. How land can become common land

Land can become common land after 2nd January 1970 in any of the following ways:—

- (1) By or under an Act of Parliament otherwise than as substituted land (as to substituted land, see category (4) below).
- (2) By a grant by the owner of the land of rights of common over it.
- (3) By rights of common being acquired over it by prescription.
- (4) By substitution or exchange for other land which has ceased to be common land under—
 - (a) sections 147 and 148 of the Inclosure Act 1845(a); or
 - (b) paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946(b); or
 - (c) any other enactment providing, on the exchange of land, for the transfer of rights, trusts or incidents attaching to the land given in exchange from that land to the land taken in exchange and vice versa.

(a) 1845 c. 118.

(b) 1946 c. 49.

Land in category (4) is referred to in this form as “substituted land”, and the land for which it is substituted, and which has ceased to be common land, is referred to as “the taken land”. If this application is accepted for registration, and the taken land is registered in the Register of Common Land maintained by the same registration authority, the taken land will be removed from the register automatically provided the registration authority is satisfied as to the exact areas of both the substituted and the taken land. No separate application in regard to the latter is necessary in such a case.

6. Meaning of “rights of common”

There are many different kinds of rights of common, some existing only in particular areas. This is why there is no exhaustive list or definition of rights of common in the Act. However, it may be said that a right of common is a right which a person has (generally in common with others including the owner of the soil) to take part of the natural produce of another man’s land. Examples are: a right to turn out sheep or other animals to graze (common of pasture, called in the Act a right to graze animals); a right to turn out pigs to eat acorns and beechmast (pannage); a right to take tree loppings, gorse, furze, bushes or underwood (estovers); a right to take turf or peat (turbary); a right to take fish (piscary). There is also a right of common in the soil, as it is called, which consists of the right of taking sand, gravel, etc. from another man’s land. These are only a few of the most frequently encountered rights of common; there are many others, and any person in doubt should seek legal advice. On the other hand, many rights connected with land are not rights of common and are not subject to the Act; for example, rights of way (public or private), and rights to water cattle, horses or other animals on the land of another.

The Act provides that cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture are to be considered as rights of common. These are in essence various kinds of rights of pasture normally enjoyed to the exclusion of the owner of the land.

Rights held for a term of years or from year to year are not registrable under the Act, and, accordingly, land subject to such rights does not qualify for registration on that account, although it may do so in some other way, e.g. as substituted land.

7. Land descriptions

In addition to the particulars asked for at part 3 of the form, a plan of the land claimed to have become common land must accompany the application. The particulars in part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale, in ink or other permanent medium, and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land by means of distinctive colouring (a coloured edging inside the boundary will usually suffice) and it must be marked as an exhibit to the statutory declaration (see Note 10 below). If the land to be registered is substituted land (see Note 5 above), then a description of the taken land must be given in part 7, and a plan of this area, too, may have to be provided. If the taken land has already been registered under the Act (as it will have been in most cases) and comprises the whole of the land in one or more register units, a plan is unnecessary provided the register unit number(s) are quoted. If the taken land comprises only part of the land in a register unit a plan may be dispensed with if the land can be described by reference to some physical feature such as a road, river or railway; the description might, for example, read: “The land in register unit No. . . . lying to the south of the road from A to B”. Where this method is not practicable, or the taken land is not registered under the Act, it must be described by a plan which must conform to the requirements mentioned above. Where two plans accompany the application, a different colour should be used in each.

8. Grounds of application: evidence

In part 5 should be set out, as concisely as possible, a statement of the facts relied on to show that the land became common land on the date stated in part 4; this date must be after 2nd January 1970, otherwise the application cannot be entertained. The statement should include particulars of every Act of Parliament, statutory order, order of court, deed or other instrument, and of every act or event, which is material for the purpose. The registration authority has power to call for such further evidence in support of the application as it may reasonably require. If the land is substituted land (see Note 5 above) there should be included in part 5 particulars of the enactment and of the compulsory purchase order, order of exchange or other instrument authorising the exchange or substitution, and of the instrument (if any) under which the exchange or substitution actually took place.

9. Supporting documents

The application must be accompanied by the original or (preferably) by a copy or sufficient

abstract of every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production. The following are examples of documents which, under this rule, may normally be expected to be among the documents accompanying applications in the particular cases mentioned:—

- (1) Where the land is stated to have become common land by virtue of a private or local Act or of a statutory instrument, the award or other instrument of allotment (if any) made thereunder.
- (2) Where the land is stated to have become common land by a grant of rights of common, a copy of the deed of grant.
- (3) Where the land is stated to have become common land by the acquisition of rights of common over it by prescription, and there is a declaration by a court of competent jurisdiction to that effect, an office copy of the order embodying that declaration. (In the absence of such a declaration, a claim based solely on the Prescription Act 1832(a) cannot be admitted, and a claim based on prescription otherwise than under that Act is unlikely to be admitted if any objection is received by the registration authority.)
- (4) Where the land is stated to be substituted land (see Note 5 above), the original or a duly authenticated copy (a) of the compulsory purchase order, order of exchange or other instrument authorising the exchange or substitution, and (b) of the instrument (if any) under which the exchange or substitution actually took place.

The foregoing list is not exhaustive and in special cases the applicant may need to consult the registration authority. Applicants are strongly recommended NOT to forward the original of any deed or other private document. Instead, a copy should be supplied, preferably indorsed with a certificate signed by a solicitor that it has been examined against the original. The applicant should indicate, either on the copy itself or in part 8 of the application, as convenient, who has the original and where it may be inspected. If any document relating to the matter is believed to exist, but neither the original nor a copy can be produced, the fact should be mentioned in part 9 of the application, where particulars of the missing document should be given and its non-production accounted for.

The registration authority has power to call for such further evidence as it may reasonably require.

10. Statutory Declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. The plan (or each plan) accompanying the application and referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter 'A'. If there is more than one plan a different identifying letter must be used for each. On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of (*name of declarant*)
made this (*date*) 19 before me,

.....
(*Signature and qualification*)

11. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Unless the application has to be rejected after preliminary consideration, the registration authority will give publicity to it and will consider it further in the light of any objections which may be received. The applicant will be supplied with copies of all objections which fall to be considered and will have an opportunity of answering them. Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, the land will be registered as common land, and the applicant will be supplied with particulars of the registration. If it is rejected, the applicant will be notified of the reasons for the rejection.

12. False statements

The making of a false statement for the purposes of this application may render the maker liable to prosecution.

(a) 1832 c. 71.

FORM 30

Official stamp of registration
authority indicating date
of receipt

Application No.

Register unit No(s):

VG

*This section for official
use only*

VG

COMMONS REGISTRATION ACT 1965, SECTION 13

APPLICATION FOR THE REGISTRATION OF LAND
WHICH BECAME A TOWN OR VILLAGE GREEN
AFTER 2nd JANUARY 1970

*IMPORTANT NOTE:—Before filling in this form, read
carefully the notes at the end. An incorrectly completed
application form may have to be rejected.*

¹Insert name of
registration
authority

To the¹

Application is hereby made for the registration as a town or
village green of the land described below, which became so
registrable after 2nd January 1970.

Part 1.

**Name and address of the applicant or (if more than one) of every
applicant.**

*(Give Christian names
or forenames and
surname or, in the case
of a body corporate or
unincorporate, the full
title of the body. If
part 2 is not completed
all correspondence and
notices will be sent to
the first named
applicant.)*

Part 2.

Name and address of solicitor, if any.

*(This part should be
completed only if a
solicitor has been
instructed for the
purposes of the
application. If it is
completed, all
correspondence and
notices will be sent to
the solicitor.)*

Part 3. **Particulars of the land to be registered, i.e. the land claimed to have become a town or village green.**

Name by which usually known

Locality

Colour on plan herewith

Part 4. **On what date did the land become a town or village green?**

Part 5. **How did the land become a town or village green?**

Part 6. **Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to have become a town or village green. (If none are known, write "none".)**

Part 7. **For applications to register substituted land (see Note 5); to be disregarded in other cases.**

Particulars of the "taken land", i.e. the land which ceased to be a town or village green (or part thereof) when the land described in part 3 became a town or village green (or part).

Name by which usually known

Locality

Colour on plan herewith (if any)

If registered under the 1965 Act, register unit No(s).

Part 8. **List of supporting documents sent herewith, if any. (If none are sent, write "none".)**

Part 9.

If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land is believed to dispute the claim that it has become a town or village green) full particulars should be given here.

²The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or unincorporate.

Date19 .
Signatures².....
.....
.....

(See Note 9)

STATUTORY DECLARATION IN SUPPORT

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor or by the person who signed the application.

¹Insert full name (and address if not given in the application form).

²Delete and adapt as necessary.

³Insert name if applicable.

I¹, solemnly and sincerely declare as follows:—

1.2 I am ((the person) (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (³ one of the applicants)).

2. I have read the Notes to the application form.

3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 8 and 9 of the application.

⁴Insert "marking" as on plan.

4. The plan now produced and shown to me marked ⁴" " is the plan referred to in part 3 of the application.

⁵Delete this paragraph if there is no plan referred to in part 7.

5.⁵ The plan now produced and shown to me marked ⁴" " is the plan referred to in part 7 of the application.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said..... }
..... }
at } Signature of Declarant
in theof..... }
this.....day of.....19... }

Before me,

Signature

Address

.....

Qualification

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any plan as an exhibit.

NOTES

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land which is claimed to have become a town or village green. The registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council. However if the land in question is partly in the area of one registration authority and partly in that of another, the authorities may by agreement have provided for one of them to be the registration authority for the whole of the land. An applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should therefore enquire whether such an agreement has been made and, if so, which authority is responsible for the land.

2. Who may apply for registration

An application for the registration of any land which has become a town or village green after 2nd January 1970 may be made by any person.

3. No double registration

If the land is already registered under the Act, whether in the Register of Town or Village Greens or in the separate Register of Common Land, and whether the registration is provisional, final, or under section 13 of the Act (which relates to land becoming common land or a town or village green after 2nd January 1970), an application for registration cannot be entertained, but this does not prevent the submission of an application later on, should the existing registration cease for any reason to be effective (as, for example, by the land being removed from the register under section 13 or by a provisional registration being cancelled or failing to achieve finality). If an earlier registration is believed to exist a search of the register may be obtained by means of C.R. Form 21 (a separate form must be used for each register).

4. Meaning of "town or village green"

"Town or village green" is defined in the Commons Registration Act 1965 as land—

- (a) which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality, or
- (b) on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes, or
- (c) on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than twenty years.

While a town or village green can be subject to rights of common, it does not include land which is registered as common land in the separate Register of Common Land maintained under the Act. (There is a separate form available for applying for the registration under the Act of land which became common land after 2nd January 1970.) "Land" includes land covered with water so that a town or village green can, for instance, include a pond.

5. How land can become a town or village green

Land can become a town or village green after 2nd January 1970 in one of the following ways:—

- (1) By or under an Act of Parliament otherwise than as substituted land (as to substituted land, see category (4) below).
- (2) By customary right established by judicial decision.
- (3) By the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years.
- (4) By substitution or exchange for other land which has ceased to be a town or village green under—
 - (a) sections 147 and 148 of the Inclosure Act 1845; or
 - (b) paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946; or
 - (c) any other enactment providing, on the exchange of land, for the transfer of rights, trusts or incidents attaching to the land given in exchange from that land to the land taken in exchange and vice versa.

Land in category (4) is referred to in this form as “substituted land”, and the land for which it is substituted, and which has ceased to be a town or village green, is referred to as “the taken land”. If this application is accepted for registration, and the taken land is registered in the Register of Town or Village Greens maintained by the same registration authority, the taken land will be removed from the register automatically provided the registration authority is satisfied as to the exact areas of both the substituted and the taken land. No separate application in regard to the latter is necessary in such a case.

6. Land descriptions

In addition to the particulars asked for at part 3 of the form, a plan of the land claimed to have become a town or village green must accompany the application. The particulars in part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale, in ink or other permanent medium, and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land by means of distinctive colouring (a coloured edging inside the boundary will usually suffice) and it must be marked as an exhibit to the statutory declaration (see Note 9 below). If the land to be registered is substituted land (see Note 5 above), then a description of the taken land must be given in part 7, and a plan of this area, too, may have to be provided. If the taken land has already been registered under the Act (as it will have been in most cases) and comprises the whole of the land in one or more register units, a plan is unnecessary provided the register unit number(s) are quoted. If the taken land comprises only part of the land in a register unit a plan may be dispensed with if the land can be described by reference to some physical feature such as a road, river or railway; the description might, for example, read “The land in register unit No.....lying to the south of the road from A to B”. Where this method is not practicable, or the taken land is not registered under the Act, it must be described by a plan which must conform to the requirements mentioned above. Where two plans accompany the application, a different colour should be used in each.

7. Grounds of application: evidence

In part 5 should be set out, as concisely as possible, a statement of the facts relied on to show that the land became a town or village green on the date stated in part 4; this date must be after 2nd January 1970, otherwise the application cannot be entertained. The statement should include particulars of every Act of Parliament, statutory order, order of court, deed or other instrument, and of every act or event, which is material for the purpose. The registration authority has power to call for such further evidence in support of the application as it may reasonably require. If the land is substituted land (see Note 5 above) there should be included in part 5 particulars of the enactment and of the compulsory purchase order, order of exchange or other instrument authorising the exchange or substitution, and of the instrument (if any) under which the exchange or substitution actually took place.

8. Supporting documents

The application must be accompanied by the original or (preferably) by a copy or sufficient abstract of every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production. The following are examples of documents which, under this rule, may normally be expected to be among the documents accompanying applications in the particular cases mentioned:—

- (1) Where the land is stated to have become a town or village green by virtue of a private or local Act or of a statutory instrument, the award or other instrument of allotment (if any) made thereunder.
- (2) Where the land is stated to have become a town or village green by customary right, an office copy of an order of a court of competent jurisdiction embodying a declaration to that effect.
- (3) Where the land is stated to have become a town or village green by the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years, and there is a declaration by a court of competent jurisdiction to that effect, an office copy of the order embodying that declaration.
- (4) Where the land is stated to be substituted land (see Note 5 above), the original or a duly authenticated copy (a) of the compulsory purchase order, order of exchange or other instrument authorising the exchange or substitution, and (b) of the instrument (if any) under which the exchange or substitution actually took place.

The foregoing list is not exhaustive and in special cases the applicant may need to consult the registration authority. Applicants are strongly recommended NOT to forward the original of any deed or other private document. Instead, a copy should be supplied, preferably indorsed

with a certificate signed by a solicitor that it has been examined against the original. The applicant should indicate, either on the copy itself or in part 8 of the application, as convenient, who has the original and where it may be inspected. If any document relating to the matter is believed to exist but, neither the original nor a copy can be produced, the fact should be mentioned in part 9 of the application, where particulars of the missing document should be given and its non-production accounted for.

The registration authority has power to call for such further evidence as it may reasonably require.

9. Statutory Declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. The plan (or each plan) accompanying the application and referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter 'A'. If there is more than one plan a different identifying letter must be used for each. On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of *(name of declarant)*
made this *(date)* 19 before me,

.....
(Signature and qualification)

10. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Unless the application has to be rejected after preliminary consideration, the registration authority will give publicity to it and will consider it further in the light of any objections which may be received. The applicant will be supplied with copies of all objections which fall to be considered and will have an opportunity of answering them. Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, the land will be registered as a town or village green, and the applicant will be supplied with particulars of the registration. If it is rejected, the applicant will be notified of the reasons for the rejection.

11. False statements

The making of a false statement for the purposes of this application may render the maker liable to prosecution.

FORM 31

Official stamp of registration
authority indicating date
of receipt

Application No.

*This section for official
use only*

Register Unit No(s):

**COMMONS REGISTRATION ACT 1965, SECTION 13
APPLICATION FOR THE REGISTRATION OF A RIGHT
OF COMMON OVER LAND, WHERE BOTH THE RIGHT
AND THE LAND BECAME REGISTRABLE AFTER 2nd
JANUARY 1970**

*IMPORTANT NOTE:—Before filling in this form, read
carefully the notes at the end. An incorrectly completed
application may have to be rejected.*

¹*Insert name of
registration
authority.*

To the¹

Application is hereby made for the registration of the right of
common of which particulars are set out below.

Part 1.

**Name and address of the applicant or (if more than one) of
every applicant, and the capacity in which he applies.**

*(Give Christian names
or forenames and
surname or, in the
case of a body corporate,
the full title of the
body. If part 2 is not
completed all
correspondence and
notices will be sent to
the first-named
applicant.)*

Part 2.

Name and address of solicitor, if any.

*(This part should be
completed only if a
solicitor has been
instructed for the
purposes of the
application. If it is
completed, all
correspondence and
notices will be sent to
the solicitor.)*

Part 3.

**Particulars of the land over which the right of common is
exercisable.**

- (a) Name by which usually known
- (b) Locality
- (c) Colour on plan herewith (if any)

If the land is registered under the 1965 Act, registration par-
ticulars—

²*Insert "Common Land"
or "Town or Village
Greens".* (d) Register²

(e) Register unit No(s).

Part 4. **Description of the right of common, including, if it is exercisable only during limited periods, full particulars of the periods, and, if it is a right to graze animals, details of the number(s) and kind(s) of animals.**

Part 5. **Description of the farm, holding or other land to which the right is attached, if any. (If the right is not attached to any land, the fact should be stated here.)**

Name by which usually known

Locality, O.S. Nos. and reference to ordnance map (if given), and any further description

Colour on plan herewith (if any)

Part 6. **On what date did the right first become exercisable over the land described in part 3 above?**

Part 7. **How did the right first become exercisable over the land described in part 3 above?**

Part 8. **Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land described in part 3 above. (If none are known, write "none".)**

Part 9. **List of supporting documents sent herewith, if any. (If none are sent, write "none".)**

Part 10. **If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land described in part 3 above is believed to dispute the claim that it is subject to rights of common) full particulars should be given here.**

³The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or charity trustees.

Date19 ..

Signatures³

.....

.....

.....

(See Note 12)

STATUTORY DECLARATION IN SUPPORT

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or charity trustees, by its or their solicitor or by the person who signed the application.

¹Insert full name (and address if not given in the application form).

I,¹ solemnly and sincerely declare as follows:—

²Delete and adapt as necessary.

1.2 I am ((the person) (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (³ one of the applicants)).

³Insert name if applicable.

2. I have read the Notes to the application form.

3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document which ought to be submitted or disclosed to the authority other than those (if any) mentioned in parts 9 and 10 of the application.

⁴Insert "marking" as on plan.

4. The plan now produced and shown to me marked 4" " is the plan referred to in part 3 of the application.

⁵Delete this paragraph if there is no plan referred to in part 5.

5.5 The plan now produced and shown to me marked 4" " is the plan referred to in part 5 of the application.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said..... }
..... }
at } Signature of Declarant
in the.....of..... }
thisday of.....19 }

Before me,

Signature

Address

.....

Qualification

REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.

NOTES

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land over which the right of common is claimed. The registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council. However, if the land over which the right is claimed is partly in the area of one registration authority and partly in that of another, the authorities may by agreement have provided for one of them to be the registration authority for the whole of the land. An applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should therefore enquire whether an agreement has been made and, if so, which authority is responsible for the land.

2. When to use this form

This form should not be used in cases where a right of common has been shifted from one piece of land to another in the circumstances mentioned in category (4) of Note 5 below, and both pieces of land are in the area of one registration authority. In such cases, re-registration of the right of common is automatic on registration of the substituted land. The matter is fully explained in Note 5. Nor should it be used where a right of common which has already been registered has been apportioned or varied, or, in the case of a registered right in gross (that is, not attached to any land), has been transferred. In such cases amendment of the register should be applied for on C.R. Form 19. In all other cases within Note 9 below this form should be used to apply to register a right of common whether or not the land over which the right is claimed to be exercisable has itself been registered, since it is not necessary for the land over which a right of common is exercisable to be registered before an application for the registration of the right itself is made: see Note 13 below.

3. Who may apply for registration

An application for the registration of a right of common may be made by the owner of the right or, where the right 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 by law 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(a);
- (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(b) authorised by order under section 24 of that Act.

In all cases the applicant should state in part 1 the capacity in which he applies (e.g. as owner of the right). If he applies on behalf of, or instead of, another person he should also state in part 1:—

- (a) the Act of Parliament, statutory instrument, order of court or other authority under which he claims to be entitled to apply;
- (b) the name and address of the person on whose behalf or in whose stead the application is made; and
- (c) the capacity of that person (who will normally be the owner of the right).

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

4. Meaning of "rights of common"

There are many different kinds of rights of common, some existing only in particular areas. This is why there is no exhaustive list or definition of rights of common in the Act. However, it may be said that a right of common is a right which a person has (generally in common with others including the owner of the soil) to take part of the natural produce of another man's land. Examples are: a right to turn out sheep or other animals to graze (common of pasture, called in the Act a right to graze animals); a right to turn out pigs to eat acorns and beechmast (pannage); a right to take tree loppings, gorse, furze, bushes or underwood (estovers); a right to take turf or peat (turbary); a right to take fish (piscary). There is also a right of

(a) 1959 c. 72.

(b) 1925 c. 18.

common in the soil, as it is called, which consists of the right of taking sand, gravel, stone, etc. from another man's land. These are only a few of the most frequently encountered rights of common; there are many others, and any person in doubt should seek legal advice. On the other hand, many rights connected with land are not rights of common and are not subject to the Act; for example, rights of way (public or private), and rights to water cattle, horses or other animals on the land of another.

The Act provides that cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture are to be considered as rights of common. These are in essence various kinds of rights of pasture normally enjoyed to the exclusion of the owner of the land.

Rights held for a term of years or from year to year are not registrable under the Act.

5. How land can become subject to rights of common

Land can become subject to rights of common after 2nd January 1970 in one of the following ways:—

- (1) By or under an Act of Parliament, otherwise than as substituted land (as to substituted land, see category (4) below).
- (2) By a grant by the owner of the land of rights of common over it.
- (3) By rights of common being acquired over it by prescription.
- (4) By substitution or exchange for other land which has ceased to be common land under—
 - (a) sections 147 and 148 of the Inclosure Act 1845; or
 - (b) paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946; or
 - (c) any other enactment providing, on the exchange of land, for the transfer of rights trusts or incidents attaching to the land given in exchange from that land to the land taken in exchange and vice versa.

Land in category (4) is referred to in this form as “substituted land”, and the land for which it is substituted, and which has ceased to be subject to rights of common, is referred to as “the taken land”. If both the taken and the substituted land are in the area of one registration authority, then when the substituted land is registered under the Act, a note will appear in the register to the effect that rights of common (if any) which subsisted over the taken land at the date of the substitution or exchange have shifted over to the substituted land, and no application for the re-registration of these rights will be necessary. Inquiry should be made of the registration authority whether the substituted land has been registered, and whether a note about the shifting of the rights appears in the register.

6. Land descriptions

- (a) For purposes of part 3. Except where the land has already been registered under the Act (see Note 7 below), the particulars asked for at (a), (b) and (c) of part 3 of the form must be given, and a plan must accompany the application. The particulars at (a) and (b) of part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale, in ink or other permanent medium, and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked as an exhibit to the statutory declaration (see Note 12 below).

Where the land has already been registered (see Note 7 below) and comprises the whole of the land in one or more register units, a plan is unnecessary provided the register and register unit number(s) are quoted at (d) and (e) of part 3 of the form. If the application concerns only part of the land in a register unit a plan may be dispensed with if the land can be described by reference to some physical feature such as a road, river or railway; the description might, for example, read “The land in register unit No..... lying to the south of the road from A to B”. Where this method is not practicable the land must be described by a plan prepared as mentioned above. Where the procedure of reference to an existing register unit is adopted, part 3 of the form should be adapted accordingly.

- (b) For purposes of part 5. If the right is attached to any farm, holding or other land, that land must be described in part 5. This may be done either by a plan prepared as explained in (a) above, or, alternatively, by reference to the numbered parcels on the most recent edition of the ordnance map (quoting the edition), supplemented, where necessary to describe part of a parcel, or any land not numbered on the ordnance map,

by a plan prepared in accordance with (a) above. Sufficient particulars of the locality must in any case be given to enable the land to be identified on the ordnance map. Where two plans accompany the application, a different colour should be used in each.

If the right is held in gross, that is, not attached to any land, that fact should be stated in part 5.

7. Inspection and search of registers

To ascertain whether land has been registered under the Act, anyone may inspect the registers free of charge at the office of the registration authority. Alternatively, an official certificate of search may be obtained from the registration authority. A requisition for such search must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered.

8. Rights for limited periods: grazing rights

Certain rights of common (usually grazing rights) are not exercisable at all times but only during limited periods. In the case of a right of common to which this applies, full particulars must be given in part 4 of the period or periods during which the right is exercisable. Further, if the right (by whatever name it may be known) consists of or includes a right to graze animals, or animals of any class, the applicant must state at part 4 the number of animals, or the numbers of animals of different classes, to be entered in the register.

9. Date for part 6

The date to be entered in part 6 is the date on which the right of common first came into existence and became registrable as exercisable over the land described in part 3. If this date is before 3rd January 1970 the application cannot be entertained by the registration authority. Moreover, the land over which the right is exercisable must have become registrable under the Act after 2nd January 1970, whether it has in fact been so registered or not. If either the right or the land was registrable under the Act before 3rd January 1970 it is now too late to apply for the registration of either.

10. Grounds of application: evidence

In part 7 should be set out, as concisely as possible, a statement of the facts relied on to show that the right of common came into existence and became registrable on the date stated in part 6 (as to this date, see Note 9 above). The statement should include particulars of every Act of Parliament, statutory order, order of court, deed or other instrument, and of every act or event, which is material for the purpose. The registration authority has power to call for such further evidence in support of the application as it may reasonably require.

11. Supporting documents

The application must be accompanied by the original or (preferably) by a copy or sufficient abstract of every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production, with the exception of documents which he would not be obliged to abstract or produce to a purchaser under a contract for the sale of the right of common made otherwise than by correspondence and containing no stipulations as to title. The following are examples of documents which, under this rule, may normally be expected to be among the documents accompanying applications in the particular cases mentioned:—

- (1) Where the right is stated to have become exercisable by virtue of a private or local Act or of a statutory instrument, the award or other instrument of allotment (if any) made thereunder.
- (2) Where the right is stated to have become exercisable by a grant of rights of common, a copy of the deed of grant.
- (3) Where the right is stated to have become exercisable by prescription, and there is a declaration by a court of competent jurisdiction to that effect, an office copy of the order embodying that declaration. (In the absence of such a declaration, a claim based solely on the Prescription Act 1832 cannot be admitted, and a claim based on prescription otherwise than under that Act is unlikely to be admitted if any objection is received by the registration authority.)

The foregoing list is not exhaustive and in special cases the applicant may need to consult the registration authority. Applicants are strongly recommended NOT to forward the original of any deed or other private document. Instead, a copy should be supplied, preferably indorsed

with a certificate signed by a solicitor that it has been examined against the original. The applicant should indicate, either on the copy itself or in part 9 of the application, as convenient, who has the original and where it may be inspected.

If for any reason a document cannot be produced, the fact should be mentioned in part 10 of the application, where particulars of the missing document should be given and its non-production accounted for.

The registration authority has power to call for such further evidence as it may reasonably require.

12. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter 'A'. On the back of the plan should appear these words:—

This is the exhibit marked 'A' referred to in the statutory declaration of *(name of declarant)* made this *(date)* 19 before me,

.....
(Signature and qualification)

If there is more than one plan care should be taken to choose a different letter for each.

13. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Unless the application has to be rejected after preliminary consideration, the registration authority will give publicity to it and will consider it further in the light of any objections which may be received. The applicant will be supplied with copies of all objections which fall to be considered and will have an opportunity of answering them. Later, the applicant will be informed whether the application has been accepted or rejected. If the application is accepted, and the land over which the right is exercisable is not already registered under the Act, this will be done, and, whether or not the land is already registered, the right of common will be registered and the applicant will be supplied with particulars of the registration. If the application is rejected, the applicant will be notified of the reasons for the rejection.

14. False statements

The making of a false statement for the purposes of this application may render the maker liable to prosecution.

FORM 32

Official stamp of registration
authority indicating date
of receipt

Application No.

*This section for official
use only*

Register unit No.

COMMONS REGISTRATION ACT 1965, SECTION 13

**APPLICATION FOR THE REGISTRATION OF A CLAIM
TO OWNERSHIP OF LAND REGISTERED UNDER
SECTION 13 OF THE ACT**

*IMPORTANT NOTE:—Before filling in this form, read
carefully the notes at the end. An incorrectly completed
application form may have to be rejected.*

¹*Insert name of
registration
authority maintaining
the register containing
the registration of the
land.*

To the¹

Application is hereby made for the registration, in accordance
with the particulars set out below, of a claim to the ownership
of the under-noted land, which is registered under the Act,
having become so registrable after 2nd January 1970.

Part 1.
*(Give Christian names
or forenames and sur-
name or, in the case of a
body corporate, the full
title of the body. If
part 2 is not completed
all correspondence and
notices will be sent to
the first-named
applicant.)*

**Name and address of the applicant or (if more than one) of
every applicant, and the capacity in which he applies.**

Part 2.

Name and address of solicitor, if any.

*(This part should be
completed only if a
solicitor has been
instructed for the
purposes of the appli-
cation. If it is
completed, all correspon-
dence and notices will be
sent to the solicitor.)*

Part 3.

**Register containing the registration of the land of which owner-
ship is claimed.**

*(Insert "Common
Land" or "Town or
Village Greens.")*

Part 4.

Register unit number.

Part 5. **Is ownership claimed of the whole of the land comprised in the above-mentioned register unit?**

(Answer "Yes" or "No".)

Part 6. **If the answer to part 5 is "yes", leave this part blank. Otherwise describe the portion of the land of which ownership is claimed. Where a plan is used the fact should be mentioned here, and the colouring used on the plan stated.**

Part 7. **Does any person dispute the applicant's title to the land described above or claim any title to that land inconsistent with the applicant's title? If so, give the name and address of that person, or, if there is more than one, of every such person. (If there are none, write "none".)**

Part 8. **List of supporting documents sent herewith, if any. (If none are sent, write "none".)**

Part 9. **If there are any other facts relating to the application which ought to be brought to the attention of the registration authority full particulars should be given here.**

Date19 ..

²The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or charity trustees.

Signatures²

(See Note 7)

STATUTORY DECLARATION IN SUPPORT

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or charity trustees, by its or their solicitor or by the person who signed the application.

¹Insert full name (and address if not given in the application form).
²Delete and adapt as necessary.
³Insert name if applicable.

I,¹ solemnly and sincerely declare as follows:—

1.2 I am ((the person) (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (³ one of the applicants))).

2. I have read the Notes to the application form.

3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document which ought to be submitted or disclosed to the authority other than those (if any) mentioned in parts 8 and 9 of the application.

⁴Delete this paragraph if there is no plan.
⁵Insert "marking" as on plan.

4.4 The plan now produced and shown to me marked⁵ " " is the plan referred to in part 6 of the application.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said.....
.....
at
in the.....of.....
thisday of.....19 .. } Signature of Declarant

Before me,

Signature

Address

Qualification

REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.

NOTES

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 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 all cases the applicant should state in part 1 the capacity in which he applies (e.g. as owner of the land). If he applies on behalf of, or instead of, another person he should also state in part 1:—

- (a) the Act of Parliament, statutory instrument, order of court or other authority under which he claims to be entitled to apply;
- (b) the name and address of the person on whose behalf or in whose stead the application is made; and
- (c) the capacity of that person (who will normally be the owner of the land).

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. Where charity trustees apply the fact should be stated, and the name of the charity given, in part 1.

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.

2. Effect of registration at H.M. Land Registry

Where the freehold title to land is registered at H.M. Land Registry under the Land Registration Acts 1925 to 1966 registration of claims to the ownership thereof under the Commons Registration Act 1965 is not permitted. The registration authority will, on receipt of this application, inquire of the District Land Registry whether the freehold title to the land is registered under the Land Registration Acts, and, if this is the case, the registration authority will note the register accordingly and reject this application. An intending applicant who is uncertain whether the freehold title is registered under those Acts should therefore himself inquire of the District Land Registry, whose address may be obtained from the registration authority.

3. The land itself must be registered under section 13

Two separate registers are maintained under the Commons Registration Act 1965 by each registration authority—a Register of Common Land and a Register of Town or Village Greens. Before a claim to the ownership of land can be registered the land must itself have been registered under section 13 of the Act. This condition can only be satisfied in relation to land which became registrable under the Act after 2nd January 1970; if it became registrable on or before this date then (whether or not it was in fact so registered) the time for making application for the registration of a claim to its ownership has expired. (Where the land became registrable after 2nd January 1970 but has not yet been registered the owner may, if he wishes, himself apply for its registration as common land or as a town or village green, and, if the land is so registered, thereafter apply on this form to register his ownership.) The ownership application must be submitted to the registration authority maintaining the register which contains the registration of the land. For land in an administrative county this will normally be the county council; for land in a county borough, the county borough council, and for land in Greater London, the Greater London Council. Where land lies partly in the area of one registration authority and partly in that of another, the authorities may by agreement have provided for one of them to be the registration authority for the whole of the land. An applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should therefore enquire whether an agreement has been made and, if so, which authority is responsible for the land.

4. Inspection and search of registers

To ascertain whether land has been registered under the Act, anyone may inspect the registers at the office of the registration authority. Alternatively, an official certificate of search may be obtained from the registration authority. A requisition for such search must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered.

5. Scope of application: land descriptions

An application must relate to land comprised in one register unit and no more. If land in two or more register units is concerned, a separate application form must be used for each. In part 4, the register unit number should be quoted; the applicant should keep a note of this number, which will be used by the registration authority for reference. If the application relates to the whole of the land comprised in the register unit no further description than the register unit number is needed. If not, the land which is the subject of the application must be clearly identified. This can sometimes be done by reference to some physical feature such as a road, river or railway, so that the description might, for example, read "The land in register unit No.....lying to the south of the road from A to B". Where this cannot be done the land must be described by a plan, which must be drawn to scale, in ink or other permanent medium, and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked as an exhibit to the statutory declaration (see Note 7 below).

6. Evidence of ownership: supporting documents

The application must be accompanied by the original or (preferably) by a copy or sufficient abstract of every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production, with the exception of documents which he would not be obliged to abstract or produce to a purchaser under a contract for the sale of the land made otherwise than by correspondence and containing no stipulations as to title. The registration authority has power to call for such further evidence in support of the application as it may reasonably require. In special cases the applicant may need to consult the registration authority before formally applying for registration.

Applicants are strongly recommended NOT to forward the original of any deed or other private document. Instead, a copy should be supplied, preferably indorsed with a certificate signed by a solicitor that it has been examined against the original. The applicant should indicate, either on the copy itself or in part 8 of the application, as convenient, who has the original and where it may be inspected. If for any reason a document cannot be produced, the fact should be mentioned in part 9 of the application where particulars of the missing document should be given and its non-production accounted for.

7. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter 'A'. On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of *(name of declarant)* made this *(date)* 19 before me,

.....
(Signature and qualification)

8. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Unless the application has to be rejected after preliminary consideration, the registration authority will give publicity to it and will consider it further in the light of any objections which may be received. The applicant will be supplied with copies of all objections which fall to be considered and will have an opportunity of answering them.

Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, the applicant will be registered as owner and particulars of the registration will be supplied to him. If the application is rejected, the applicant will be notified of the reasons for the rejection.

9. False statements

The making of a false statement for the purposes of this application may render the maker liable to prosecution.

FORM 33

(Name of registration authority)

COMMONS REGISTRATION ACT 1965

Notice of application for registration of land claimed to have become
(common land) (a town or village green)¹ after 2nd January 1970

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

Application has been made to the registration authority, the (name and address of registration authority) by (name and address of applicant) under section 13 of the Commons Registration Act 1965 for the inclusion in the Register of (Common Land) (Town or Village Greens)¹ of the land described (at Annex A)² below, which it is claimed became (common land) (a town or village green)¹ on (date given in part 4 of Form 29 or 30) (in substitution for the land described at Annex B below, which, it is claimed, ceased to be (common land) (a town or village green)¹ on that date)², under and by virtue of (account of circumstances, etc., summarised from part 5 of Form 29 or 30).

The application, which includes a plan of(),³ may be inspected at (address where application available) (and copies of the application and plan(s) may be inspected at the following local authority offices (insert names and addresses of concerned local authorities, if any))¹.

If the registration authority is satisfied that the land described (at Annex A)² below has become (common land) (a town or village green)¹ as claimed, it will so register the land, and such registration will be conclusive evidence of the status of the land as at the date of registration. (The land described at Annex B below will then be removed from the register).²

Any person wishing to object to the registration of the land as (common land) (a town or village green)¹ (or to the removal from the register of the land described at Annex B below)² should send a written and signed statement of the facts on which he bases his objection to (name and address of registration authority) so as to arrive not later than⁴

Dated 19 .
(Signature on behalf of registration authority).

(ANNEX A)²

Description of the land claimed to have become (common land) (a town or village green)¹

(ANNEX B)²

(Description of the land claimed to have ceased to be (common land) (a town or village green)¹ including a reference to the register unit number if the land is registered)²

¹Delete as necessary.

²For substituted land cases only.

³Insert "the land proposed for registration" or, in a substituted land case where a plan of the taken land is also provided, "both areas".

⁴Insert date in accordance with regulation 5(5).

FORM 34

(Name of registration authority)

COMMONS REGISTRATION ACT 1965

Notice of application for registration of rights of common over land (registered)
(claimed to be registrable)¹ under section 13 of the Act

To every reputed owner, lessee, tenant or occupier of any part of the land lastly described below, and to all others whom it may concern.

Application has been made to the registration authority, the *(name of registration authority)* for the registration under section 13 of the Commons Registration Act 1965 of the right(s) of common specified in Annex A below which (is) (are)¹ claimed by the (person) (persons respectively)¹ named in the said Annex to be exercisable over the land described in Annex B below. The alleged origin of the right(s) is as stated in Annex A.

The application, (which includes a plan of) (and register unit No..... in the Register of (Common Land) (Town or Village Greens)¹ which (comprises) (includes)¹)¹ the land over which the right(s) (is)(are) claimed to be exercisable (and a plan or other description of the land to which they are attached)¹ may be inspected at *(insert address where application etc. available)* (and copies of the application and plan(s) may be inspected at the following local authority offices *(insert names and addresses of concerned local authorities, if any)*)¹.

If the registration under the Act of (any of)¹ the said right(s) of common is effected, it will be conclusive evidence of the matters registered as at the date of registration.

(If any of the said rights are registered, the land over which the rights are exercisable will be registered also, and such registration will be conclusive evidence of the matters registered as at the date of registration.)²

Any person wishing to object to the registration of (any of)¹ the said right(s) of common (or to the registration of the said land)² should send a written and signed statement of the facts on which he bases his objection to *(name and address of registration authority)* so as to arrive not later than³

Dated 19 .

(Signature on behalf of registration authority)

ANNEX A

Description of the claimed right(s) of common

Name and address of claimant	Particulars of the claimed right of common	Particulars of the land (if any) to which the right is alleged to be attached	Alleged origin of the right

¹Delete or adapt as necessary.

²For use only where the land has not yet been registered under section 13.

³Insert date in accordance with regulation 5(5).

ANNEX B

Description of the land over which the claimed rights are alleged to be exercisable

FORM 35

(Name of registration authority)

COMMONS REGISTRATION ACT 1965

Notice of application for registration of a claim to the ownership of land registered under section 13 of the Act

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

Application has been made to the registration authority, the (*name of registration authority*) for the registration in the Register of (Common Land) (Town or Village Greens)¹ of (*name and address*) as owner of the land described below, which was registered as (common land) (a town or village green)¹ under Register unit No..... on (*date of registration*) under section 13 of the Act.

The application, and the register unit affected, may be inspected at (*insert address where register maintained*) (and copies of the application alone may be inspected at the following local authority offices (*insert names and addresses of concerned local authorities, if any*))¹.

Any person wishing to object to the application should send a written and signed statement of the facts upon which he bases his objection to (*name and address of registration authority*) so as to arrive not later than²

Dated 19 .

(*Signature on behalf of registration authority*)

DESCRIPTION OF THE LAND referred to above

¹Delete as necessary.

²Insert date in accordance with regulation 5(5).

Given under the official seal of the Minister of Housing and Local Government on 19th December 1969.

(L.S.)

Denis H. Howell,
Minister of State,
Ministry of Housing and Local Government.

Given under my hand

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

19th December 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the inclusion, in the registers of common land and of town or village greens maintained under the Commons Registration Act 1965, of any land which becomes common land or a town or village green after 2nd January 1970, and for the registration of rights of common over such land and of claims to the ownership thereof.

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