
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the registration of common land and town or village greens under Part 1 of the Commons Act 2006 (c. 26) (“the 2006 Act”).

They come into force on 15th December 2014 and apply to the registration areas (as defined in regulation 2) of the commons registration authorities in England specified in Schedule 1. The relevant provisions of Part 1 of the 2006 Act were first commenced on 1st October 2008 as a pilot scheme in six of those areas, now identified for certain purposes in these Regulations as the original registration authorities. Two additional registration authorities are included in Schedule 1 by these Regulations, Cumbria County Council and North Yorkshire County Council, which are identified for certain purposes as the 2014 registration authorities.

Part 1 contains preliminary provisions including a power for the Secretary of State to appoint the Planning Inspectorate and its inspectors as eligible to administer and determine applications to, or proposals by, a commons registration authority for the amendment of its registers (regulation 4).

Part 2 makes provision about the registers to be kept by commons registration authorities. Authorities will continue to keep the registers which they have maintained under the Commons Registration Act 1965 (“the 1965 Act”), and Part 2 contains provisions similar to those previously contained in the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) (“the 1966 Regulations”).

Part 3 contains provisions about the making, management and determination of applications and proposals to amend the registers, including provision for the holding of public inquiries in appropriate cases. It specifies the cases in which applications and proposals must be referred to the Planning Inspectorate for determination; these include certain particular types of applications and proposals, and cases where the commons registration authority has a prejudicial conflict of interest (regulation 26).

Part 4 makes miscellaneous provisions, including specifying a transitional period for updating the registers by the 2014 registration authorities, during which those authorities are required to review their registers and consider whether to make proposals to amend them in consequence of qualifying events which have taken place since the registers were drawn up under the 1965 Act and which have not previously been registered. Provision is also made for applications to be made to those authorities to amend the registers in consequence of such events. Part 4 also provides for the owner of land to which a right of common is attached to apply to enter in the register a declaration of entitlement to their right (regulation 43).

The Regulations also apply, to the extent described in Schedule 8, to any registration authority which continues to maintain its registers of common land and of town or village greens under the 1965 Act and the 1966 Regulations where there is an application to the authority under—

- (a) section 19 of the 2006 Act, for the purpose given in section 19(2)(a) (correcting a mistake made by the commons registration authority in making or amending an entry in the register); or
- (b) Schedule 2 to the 2006 Act (non-registration or mistaken registration under the 1965 Act), paragraph 6, 7, 8 or 9.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.defra.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.gov.uk.