

SCHEDULE 4

Making an application

Applications pursuant to section 14: statutory dispositions

8.—(1) This paragraph applies to applications referred to in sub-paragraph (2).

(2) There must be an application to the registration authority for amendment of a register of common land or of town or village greens in the event of a disposition effected by a relevant instrument in relation to registered land or a registered right of common.

(3) A “disposition” in relation to land, or in relation to a registered right of common, to which this paragraph applies is one made under or pursuant to an enactment listed in column 1 of the table following this paragraph, as described in the corresponding entry in column 2.

(4) A “relevant instrument” (as defined in section 14(3) of the 2006 Act) to which this paragraph applies is any relevant instrument made under or pursuant to an enactment listed in column 1 of the table as described in the corresponding entry in column 3.

(5) Paragraph (6) applies where—

- (a) in connection with a disposition of registered land, other land is given in exchange or otherwise substituted; or
- (b) in connection with a disposition of a registered right of common, other land is to be burdened with an equivalent right of common.

(6) The application to be made under sub-paragraph (2) must include an application for the registration of that other land as common land or as a town or village green, as the case may be, and, where applicable, for the registration of the equivalent right of common.

(7) The application must be made by the person or body specified in the entry in column 4 of the table corresponding to the relevant enactment.

(8) The application must include—

- (a) evidence of the applicant’s capacity to make the application (as described in sub-paragraph (7));
- (b) a copy of the relevant instrument effecting the disposition, and of any consent, authorisation, approval or certificate given for the purposes of that relevant instrument;
- (c) the number of the register unit and, where applicable, the number of the rights section entry, in the register of common land or town or village greens for the right of common to which the application relates; and
- (d) a description of the amendment required to be made in the register of common land or town or village greens.

(9) Where it relates to only part of a right of common, the application must be accompanied by an application made for the purposes of section 8 of the 2006 Act.

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Statutory dispositions: persons who must apply for amendment of register

<i>Column 1 – Enactment</i>	<i>Column 2 – Dispositions</i>	<i>Column 3 – Relevant Instrument</i>	<i>Column 4 – applicant</i>
Inclosure Act 1845(1), section 147	The exchange of lands not subject to be inclosed, or as to which no inclosure is pending	The order made by the Secretary of State by which that exchange is effected	The applicants for the order
Inclosure Act 1845, section 149(2)	The exchange of an inconveniently sited allotment for the poor, or for exercise and recreation, for other land more convenient or suitable for the purpose	The order made by the Secretary of State by which that exchange is effected	The applicants for the order
Lands Clauses Consolidation Act 1845(3), sections 99 and 107 (as incorporated into any other Act by virtue of section 1)	The freeing and discharge under the Act of 1845 of all commonable or other such rights from land, upon the vesting of the land (after payment of compensation) in the promoters of the undertaking (as defined in section 2 of that Act)	The conveyance or deed poll by which (where applicable with the consent of the Secretary of State under section 22(1) (c) of the Commons Act 1899(4)) that disposition is effected	The promoters of the undertaking (as defined in section 2 of the Act of 1845)
Inclosure Act 1846(5), section 11	The exchange of any registered right of common defined by numbers or stints, in or to be exercised over any land, for any such right exercised over any other land	The order made by the Secretary of State by which that exchange is effected	The applicants for the order
Malvern Hills Act 1930(6), section 8	The sale, lease, exchange or absolute disposal free from any rights or restrictions of any part or parts of the Malvern Hills comprising registered common land	The deed or other instrument made by the Malvern Hills Conservators (with the consent of the Secretary of State) effecting that disposition	The Malvern Hills Conservators
Malvern Hills Act 1930, section 9	The sale or exchange of any part or parts of the Malvern Hills comprising	The deed or other instrument made by the Malvern Hills	The Malvern Hills Conservators

- (1) 1845 c. 118. Section 147 was amended by the Statute Law Revision Act 1891 (c. 67), and was repealed by section 53 of, and Part 3 of Schedule 6 to, the Commons Act 2006 (c. 26), subject to a saving provision in article 3(3) of the Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/2584 (C. 98)), which requires any application for an order of exchange under section 147 made before 1st October 2007 to continue to be dealt with after that date as if section 147 remained in force.
- (2) Section 149 was amended by the Statute Law Revision Act 1891 (c. 67).
- (3) 1845 c. 18. Section 99 was amended by Schedule 1 to the Administration of Justice Act 1965 (c. 2). Section 107 was amended by the Statute Law Revision Act 1892 (c. 19), Schedule 11, Part 4, paragraphs 9(1) and (2) to the Constitutional Reform Act 2005 (c. 4) and Schedules 1 and 2 to the Administration of Justice Act 1965.
- (4) 1899 c. 30.
- (5) 1846 c. 70. Section 11 was amended by the Statute Law Revision Act 1891 (c. 67).
- (6) 1930 c. lxxii.

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<i>Column 1 – Enactment</i>	<i>Column 2 – Dispositions</i>	<i>Column 3 – Relevant Instrument</i>	<i>Column 4 – applicant</i>
	registered common land, for the purpose of adjusting, defining or improving the boundaries of the Malvern Hills	Conservators (with the consent of the Secretary of State) effecting that disposition	
New Parishes Measure 1943(7), sections 13 and 15	The disposition of registered common land, made with the consent of the Secretary of State under section 15	A conveyance to the Diocesan Board of Finance for the diocese in which the land is situated	The Diocesan Board of Finance for the diocese in which the land is situated
Compulsory Purchase Act 1965(8), section 21 and Schedule 4 (as applying in relation to, or by virtue of, another Act)	The compulsory purchase of registered common land or of a registered town or village green, resulting (after payment of compensation) in the extinguishment of all commonable or other rights in that land	The conveyance, executed deed poll or vesting declaration, together with the compulsory purchase order, effecting that disposition	The acquiring authority, as defined in section 1(3) of the Act
Greater London Parks and Open Spaces Order 1967(9), articles 7, 8 and 12	Erecting, or permitting to erect any building or other structure on, or enclosing permanently, or permitting to be enclosed permanently, any part of land which is registered as common land or as a town or village green	The instrument by which the erection of the building or the permanent enclosure (or, in either case, the permission to do the same), (where applicable with the consent of the Secretary of State), was confirmed	The London borough council that is party to the disposition
Greater London Parks and Open Spaces Order 1967, article 15	The exchange of open space for adjacent land where that open space is registered as common land or town or village green	The deed or other instrument by which that agreement is made	The London borough council that is party to the agreement
Greater London Parks and Open Spaces Order 1967, article 17(10)	The utilisation, alienation, or exchange for other land, of any part of any open space with the consent of the Secretary of State, where all or part of that open space is	The deed or other instrument by which the agreement so to dispose of the open space is made	The London borough council so disposing of the open space

(7) [1943 No.1](#). Section 13 was amended by section 48(2) of, and Part 2 of Schedule 7 to, the Charities Act 1960 (c. 58), and by the Church Property (Miscellaneous Provisions) Measures of 1960 (section 5), 1983 (section 1(1)) and 1992 (section 8(a)). Section 15 was amended by paragraph 5 of Schedule 4 to the Commons Act 2006 (c. 26). Both sections 13 and 15 were amended by the [Church of England \(Miscellaneous Provisions\) Measure 2010 No.1](#), section 1 and Schedule 1, paragraphs 2 (section 13) and 4 (section 15).

(8) [1965 c. 56](#).

(9) The Order was confirmed by the [Ministry of Housing and Local Government Provisional Order Confirmation \(Greater London Parks and Open Spaces\) Act 1967 \(c. xxix\)](#), and is contained in the Schedule to that Act. Article 12 was amended by paragraph 2(1), (2), (3) and (4) of Schedule 4, and Part 2 of Schedule 6, to the Commons Act 2006 (c. 26).

(10) Article 17 was amended by paragraph 2(1), (5) and (6) of Schedule 4, and Part 2 of Schedule 6, to the Commons Act 2006.

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<i>Column 1 – Enactment</i>	<i>Column 2 – Dispositions</i>	<i>Column 3 – Relevant Instrument</i>	<i>Column 4 – applicant</i>
	registered as common land or town or village green		
Countryside Act 1968(11), sections 6 and 9 and Schedule 2	The taking of land out of registered common land, with the authority of the Secretary of State, for the purpose of providing, or improving, opportunities for the enjoyment of the public	The deed or other instrument (including, if applicable, any compulsory purchase order, or any agreement under which land is acquired) effecting the taking of the land	The local authority (as defined in section 6(2) of the Act) authorised by the Secretary of State
New Towns Act 1981(12), paragraph 13 of Schedule 4	The compulsory purchase of registered common land or of a registered town or village green	The compulsory purchase order effecting that disposition, and any vesting declaration, and any deed made under the authority of that order, the 1981 Act and the Compulsory Purchase Act 1965 by which, as a consequence of the disposition, any right, trust or incident was discharged or any right acquired	The acquiring authority (as defined in section 80(1) of the Act)
Acquisition of Land Act 1981(13), section 19 and paragraph 6 of Schedule 3	Either— (a) the compulsory purchase of registered common land or of a registered town or village green (other than in a case certified by the Secretary of State under section 19(1)(aa) of the Act), or (b) the compulsory acquisition of a right over land forming part of such registered common land or green (other than in a case certified by the Secretary of State under paragraph 6(1)	The compulsory purchase order effecting that disposition, and any vesting declaration, and any deed made under the authority of that order, by which, as a consequence of the disposition, any right, trust or incident was discharged or any right acquired	The acquiring authority (as defined in section 7(1) of the Act)

(11) 1968 c. 41. Section 6 was amended by Schedule 30 to the Local Government Act 1972 (c. 70), by Schedule 17 to the Local Government Act 1985 (c. 51), and by Schedule 24 to the Environment Act 1995 (c. 25). Schedule 2 was amended by paragraph 17 of Schedule 4 to the Acquisition of Land Act 1981 (c. 67), by paragraph 48(2) of Schedule 4 to the Telecommunications Act 1984 (c. 12), by paragraph 40(1) and (3) of Schedule 17 to the Communications Act 2003 (c. 21), and by paragraph 5 of Schedule 7 to the Planning and Compulsory Purchase Act 2004 (c. 5).

(12) 1981 c. 64. Paragraph 13 of Schedule 4 was amended by S.I. 1985/442.

(13) 1981 c. 67. Section 19 was amended by paragraph 12(1) of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). Paragraph 6 of Schedule 3 was amended by paragraph 12(2) of Schedule 15 to that Act.

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<i>Column 1 – Enactment</i>	<i>Column 2 – Dispositions</i>	<i>Column 3 – Relevant Instrument</i>	<i>Column 4 – applicant</i>
	(a) or (aa) of Schedule 3 to the Act)		
Town and Country Planning Act 1990 ⁽¹⁴⁾ , section 229 (as read with section 19 of the Acquisition of Land Act 1981)	The appropriation of land forming part of registered common land or of a town or village green	The order authorising the appropriation made by the local authority and confirmed by the Secretary of State	The local authority authorised by the order
Planning Act 2008 ⁽¹⁵⁾ , section 131 or 132	Either— (a) the compulsory acquisition of registered common land or of a registered town or village green, or (b) the compulsory acquisition of a right over land forming part of such registered common land or green	The order granting development consent	The applicants for the order

⁽¹⁴⁾ 1990 c. 8.

⁽¹⁵⁾ 2008 c. 29. Section 131 was amended by section 24(2) of the Growth and Infrastructure Act 2013 (c. 27), and section 132 was amended by section 24(3) of that Act.