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WELSH STATUTORY INSTRUMENTS

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**2007 No. 2386**

**The Commons Act 2006 (Commencement No.1,  
Transitional Provisions and Savings) (Wales) Order 2007**

**Transitional provisions and savings**

4.—(1) Where a commons registration authority grants an application under section 15 of the 2006 Act for the registration of land as a town or village green before section 1 of the 2006 Act has come into force in relation to the area in which the land is situated—

- (a) the registration authority must register the land in the register of town or village greens maintained for that area under the 1965 Act; and
- (b) until the coming into force of section 1 of the 2006 Act in relation to that area, the 1965 Act applies in relation to the registration as if it had been made pursuant to section 13(b) of the 1965 Act.

(2) In relation to any area of Wales—

- (a) references in section 24 of the 2006 Act, and in regulations made under that section, to a register of common land or town or village greens are, until the coming into force of section 1 of the 2006 Act in relation to that area, to be taken to be references to such a register maintained under the 1965 Act; and
- (b) section 13(b) of the 1965 Act, and regulations made under it<sup>(1)</sup>, continue to have effect until the coming into force of—
  - (i) section 6 of the 2006 Act in relation to that area, insofar as they relate to land which becomes common land other than by virtue of any instrument made under or pursuant to an enactment, and
  - (ii) section 14 of the 2006 Act in relation to that area, insofar as they relate to land which becomes common land or a town or village green by virtue of any instrument made under or pursuant to an enactment.

(3) Where—

- (a) an application is made to a registration authority before 6 September 2007 pursuant to section 13(b) of the 1965 Act for the amendment of the register of town or village greens as a result of any land having become a town or village green, and
- (b) the registration authority does not determine the application before that date,

the registration authority must continue to deal with the application on and after 6 September 2007 as if section 13(b) of the 1965 Act had not been repealed.

(4) In relation to any area of Wales, the reference in section 45(1) of the 2006 Act to land being registered as common land or a town or village green is, until the coming into force of section 1 of the 2006 Act in relation to that area, to be read as a reference to land being so registered under the 1965 Act.

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<sup>(1)</sup> Regulation 28 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471), as amended by S.I. 1969/1843 (there are other amending instruments, but none is relevant), and the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843) are made under section 13(b).

(5) Where, before 6 September 2007, a Commons Commissioner makes a direction under section 8(2) or (3) of the 1965 Act for a registration authority to register a person as the owner of land, but the registration authority does not comply with the direction before that date—

- (a) the direction continues to have effect on and after 6 September 2007 notwithstanding the repeal of section 8(2) and (3) of the 1965 Act; and
- (b) if the direction is for a local authority to be registered as the owner of land, on the registration being made, section 8(4) of the 1965 Act will apply as if it had not been repealed.

(6) In relation to any area of Wales, section 13(a) of the 1965 Act, and regulations made under it(2), continue to have effect, until the coming into force of section 14 of the 2006 Act in relation to that area, insofar as they relate to land which ceases to be common land or a town or village green by virtue of any instrument made under or pursuant to an enactment.

(7) Where, in relation to any land other than land referred to in paragraph (6),—

- (a) an application is made to a registration authority before 6 September 2007 pursuant to regulations under section 13(a) of the 1965 Act for land to be removed from the register as a result of that land having ceased to be common land or a town or village green; and
- (b) the registration authority does not determine the application before that date,

the registration authority must continue to deal with the application on and after 6 September 2007 as if section 13(a) of the 1965 Act had not been repealed.

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(2) Regulation 27 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471), as amended by S.I. 1968/658, makes provision under section 13(a) of the 1965 Act.