WELSH STATUTORY INSTRUMENTS

2012 No. 740 (W.100)

COMMONS, WALES

The Commons (Deregistration and Exchange Orders) (Interim Arrangements) (Wales) Regulations 2012

Made - - - -	*7 March 2012*
Laid before the National Assembly for Wales - -	*8 March 2012*
Coming into force - -	*1 April 2012*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales as the appropriate national authority by sections 17(3), 24(1) and (2)(m) and 59(1) of the Commons Act 2006(**1**), and now exercisable by them(**2**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Commons (Deregistration and Exchange Orders) (Interim Arrangements) (Wales) Regulations 2012.

(2) These Regulations come into force on 1 April 2012.

(3) These Regulations apply in relation to Wales.

Scope and interpretation

2.—(1) These Regulations apply where the Welsh Ministers, or a person appointed by them, have granted an application under section 16 of the 2006 Act and have made an order under section 17 of the 2006 Act in consequence of the granting of that application.

(2) In these Regulations—

"the 1965 Act" ("*Deddf 1965*") means the Commons Registration Act 1965(**3**);

"the 2006 Act" ("*Deddf 2006*") means the Commons Act 2006;

(**1**) 2006 c. 26. Section 61(1) contains definitions of "appropriate national authority" and "regulations".

(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) 1965 c. 64. By article 4(1) of the Commons Act 2006 (Commencement No.2, Transitional Provisions and Savings) (Wales) Order 2012, (S.I. 2012/739 (W.99) (C.19)) until the coming into force of section 1 of the 2006 Act, references to land being registered as common land or as a town or village green in sections 16 and 17 of the 2006 Act are to be taken as references to land being so registered under the 1965 Act, and an order under section 17 of the 2006 Act is to be treated as an order requiring the commons registration authority to amend the registers which it maintains pursuant to the 1965 Act.

"commons registration authority" ("*awdurdod cofrestru tiroedd comin*") means a registration authority under the 1965 Act;

"deregistration order" ("*gorchymyn dadgofrestru*") means an order to a commons registration authority under section 17(1) of the 2006 Act (other than a deregistration and exchange order);

"deregistration and exchange order" ("*gorchymyn dadgofrestru a chyfnewid*") means an order to a commons registration authority under section 17(1) and (2) of the 2006 Act;

"the General Regulations" ("*y Rheoliadau Cyffredinol*") means the Commons Registration (General) Regulations 1966(**4**), and "General Regulation" ("*rheoliad Cyffredinol*") followed by a number means the regulation so numbered in the General Regulations;

"Model Entry" ("*Cofnod Enghreifftiol*") followed by a number means the specimen entry so numbered in Part 1 of Schedule 2 to the General Regulations or Part 1 of the Schedule to these Regulations(**5**);

"register of common land" ("*cofrestr tir comin*") and "register of town or village greens" ("*cofrestr meysydd tref neu bentref*") refer to the registers maintained by a commons registration authority pursuant to section 3 of the 1965 Act;

"register unit" ("*uned cofrestr*") is to be interpreted in accordance with General Regulation 10;

"Standard Entry" ("*Cofnod Safonol*") followed by a number means the specimen entry so numbered in Part 2 of the Schedule to these Regulations, or an entry to substantially the same effect(**6**).

Deregistration of release land

3. Where a commons registration authority receives a deregistration order or a deregistration and exchange order, it must amend the register unit in its register of common land or register of town or village greens which contains the registration of the release land in accordance with Standard Entry 11.

Registration of replacement land

4.—(1) Where a commons registration authority receives a deregistration and exchange order, the following provisions of this regulation apply subject to any provisions in the order specifying the manner in which the replacement land is to be registered.

(2) The registration authority may register the replacement land—

(a) by amending the register unit in its register of common land or register of town or village greens which contains the registration of the release land; or

(b) by inserting a new register unit in respect of the replacement land.

(3) If the registration authority registers the replacement land by amending the register unit which contains the registration of the release land, it must do so in accordance with Standard Entry 12.

(4) If the registration authority registers the replacement land by inserting a new register unit in respect of it, paragraphs (5) to (9) apply.

(5) The registration authority must follow as closely as possible Model Entry 4 with such variations and adaptations as the circumstances may require, and with—

(**4**) S.I. 1966/1471, to which there are amendments not relevant to these Regulations.
(**5**) Model Entries 1-22 are contained in the General Regulations, and Model Entries 23-32 (which are not referred to in these Regulations) are contained in S.I. 1968/989, 1970/1371 and 1972/437.
(**6**) Standard Entries 1-10 are contained in the General Regulations and S.I. 1968/989, 1972/437 and 1990/311.

(a) the substitution, for the sentence beginning "Registered pursuant to application", of the words "Registered pursuant to an order under section 17 of the Commons Act 2006."; and—

(b) the omission of the words "(Registration provisional.)".

(6) Paragraphs (2) to (6) of General Regulation 10 apply to the registration.

(7) Paragraphs (4) to (8) of regulation 9 of the Commons Registration (Objections and Maps) Regulations 1968(**7**)(changes as to provisional register maps) apply, subject to the following modifications—

(a) references to a "new map" are to be interpreted as meaning any map taken into use for the purpose of this regulation;

(b) instead of the scale specified in paragraph (4), every new map must be prepared on an Ordnance Map of a scale of not less than 1:2,500 if available, and in any case not less than 1:10,000; and

(c) paragraph (7) applies as if the word "provisional" were omitted.

(8) Each new map taken into use must be stamped by and signed on behalf of the registration authority, and will then form part of the register.

(9) The requirement in paragraph (8) for a registration authority to stamp a new map is a requirement to cause an impression of its official stamp as described in General Regulation 3 to be affixed to it, which must bear the date when it was affixed.

Registration of rights of common over replacement land

5.—(1) Where pursuant to a deregistration and exchange order, a commons registration authority registers replacement land by inserting a new register unit in respect of it, the following provisions of this regulation apply, subject to any provisions in the order specifying the manner in which rights of common are to be registered as exercisable over the replacement land.

(2) If immediately before the deregistration of the release land, rights of common are registered as exercisable over the release land and no other land, the registration authority must register those rights as being exercisable over the replacement land, by following as closely as possible Model Entry 7 with such variations and adaptations as the circumstances may require, and with the omission from column 4 of the words from "except" to the end.

(3) If immediately before the deregistration of the release land, rights of common are exercisable over an area of land which comprises the release land (Area A) and other land (Area B), the registration authority must register those rights as being exercisable over the replacement land in addition to remaining exercisable over Area B, in accordance with Model Entries 33 (relating to Area B) and 34 (relating to the replacement land) with such variations and adaptations as the circumstances may require.

Information about amendments to the registers

6. When a commons registration authority has amended its registers in accordance with a deregistration order or a deregistration and exchange order, it must give written notice of that fact, including details of the amendment made, to—

(a) the applicant for the order; and

(b) the Welsh Ministers, or the person appointed by them, who made the order.

(**7**) S.I. 1968/989 as amended by S.I. 1990/311. There are other amending instruments not relevant to these Regulations.