WELSH STATUTORY INSTRUMENTS

2007 No. 2396 (W.198)

COMMONS, WALES

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007

Made - - - -	*12 August 2007*
Laid before the National Assembly for Wales - -	*14 August 2007*
Coming into force - -	*6 September 2007*

The Welsh Ministers, in exercise of the power conferred on the appropriate national authority by sections 24 and 59 of the Commons Act 2006(**1**) and section 26 of the Welsh Language Act 1993(**2**), make the following Regulations(**3**):

Title, commencement and application

1.—(1) The title of these Regulations is the Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007.

(2) These Regulations come into force on 6 September 2007.

(3) These Regulations apply in relation to Wales.

Scope and Interpretation

2.—(1) These Regulations apply to applications made to a registration authority under section 15(1) or (8) of the 2006 Act to register land as a town or village green.

(2) In these Regulations—

"the 2006 Act" means the Commons Act 2006;

"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; and "local authority" means a county, county borough or community council;

(**1**) 2006 c. 26.
(**2**) 1993 c. 38.
(**3**) *See* section 61(1) of the 2006 Act for the meaning of "appropriate national authority", the functions of which are now exercisable, in relation to Wales, by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

"form 44" and "form 45" mean the forms so numbered in the Schedule to these Regulations or those forms with any variations that the circumstances may require;

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

"registration authority" means a commons registration authority.

(3) Any requirement for a registration authority to send anything to "the applicant" is, where a solicitor has been instructed for the purposes of an application, deemed to be satisfied by sending it to the solicitor or, where two or more persons have jointly made an application and no solicitor has been instructed, to the person whose name appears first on the application form.

(4) A requirement for 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, which must bear the date mentioned in the requirement or (where no date is mentioned) the date when it was affixed.

(5) Form 44 may be in the English or Welsh language, or both.

(6) Form 45 must be in both the English and Welsh language.

Application to register land as a town or village green

3.—(1) An application for the registration of land as a town or village green must be made in accordance with these Regulations.

(2) An application must be—

(a) made on form 44;

(b) signed by 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, or by a copy or sufficient abstract of, every document relating to the matter of which the applicant has possession or control, or to which the applicant has a right to production; and

(d) supported by—

(i) a statutory declaration as set out in form 44, with such adaptations as the case may require, and

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

(3) A statutory declaration in support of an application must be made by—

(a) the applicant, or one of the applicants if there is more than one;

(b) the person who signed the application on behalf of an applicant which is a body corporate or unincorporate; or

(c) a solicitor acting on behalf of the applicant.

Procedure on receipt of applications

4.—(1) On receiving an application, the registration authority must—

(a) allot a distinguishing number to the application and mark it with that number; and

(b) stamp the application form indicating the date it was received.

(**4**) S.I. 1966/1471, as amended by S.I. 1968/658, 1968/989, 1969/1843, 1980/1195, 1982/210, 1989/2167, 1990/311, 1994/2567 and 2003/994 (W.143) and as modified by S.I. 1991/2684

(2) The registration authority must send the applicant a receipt for the application containing a statement of the number allotted to it; and Form 6, if used for that purpose, is sufficient.

(3) In this regulation, "Form 6" means the form so numbered in the General Regulations.

Procedure in relation to applications to which section 15(1) of the 2006 Act applies

5.—(1) Where an application is made under section 15(1) of the 2006 Act to register land as a town or village green, the registration authority must, subject to paragraph (4), on receipt of an application—

(a) send, by post, a notice in form 45 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, the notice described in sub-paragraph (a) and send the notice and a copy of the application to every concerned authority; and

(c) affix the 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.

(2) The date to be inserted in a notice under paragraph (1)(a) as the date by which written statements in objection to an application must be submitted to the registration authority must be such as to allow an interval of not less than six weeks from the latest of the following—

(a) the date on which the notice may reasonably be expected to be delivered in the ordinary course of post to the persons to whom it is sent under paragraph (1)(a); or

(b) the date on which the notice is published and displayed by the registration authority.

(3) Every concerned authority receiving under this regulation a notice and a copy of an application must—

(a) immediately display copies of the notice; and

(b) 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.

(4) Where an application appears to the registration authority after preliminary consideration not to be duly made, the authority may reject it without complying with paragraph (1), but, where it appears to the authority that any action by the applicant might put the application in order, the authority must not reject the application under this paragraph without first giving the applicant a reasonable opportunity of taking that action.

(5) In this regulation, "concerned area" means an area including the area of every concerned authority.

(6) A requirement upon a registration authority to publish a notice in any area is a requirement to cause the document to be published in one or more newspapers circulating in that area as appears to the authority sufficient to secure adequate publicity for it.

(7) A requirement to display a notice or copies thereof is a requirement to treat it, for the purposes of section 232 of the Local Government Act 1972 (public notices)(**5**), as if it were a public notice within the meaning of that section.

Consideration of objections

6.—(1) Where an application is made under section 15(1) of the 2006 Act to register land as a town or village green, the registration authority must, as soon as possible after the date by which

(**5**) 1972 c. 70.

statements in objection to an application have been required to be submitted, proceed to the further consideration of the application, and the consideration of statements (if any) in objection to that application, in accordance with the following provisions of this regulation.

(2) The registration authority—

(a) must consider every written statement in objection to an application it receives before the date on which it proceeds to the further consideration of the application under paragraph (1); and

(b) may consider any such statement it receives on or after that date and before it finally disposes of the application.

(3) The registration authority must send the applicant a copy of every statement which it is required under paragraph (2) to consider and of every statement which it is permitted to consider and intends to consider.

(4) The registration authority must not reject the application without giving the applicant a reasonable opportunity of dealing with—

(a) the matters contained in any statement of which copies are sent to the applicant under paragraph (3); and

(b) any other matter in relation to the application which appears to the authority to afford possible grounds for rejecting the application.

Procedure in relation to applications to which section 15(8) of the 2006 Act applies

7.—(1) Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant the application provided it is satisfied that—

(a) the applicant is the owner of the land; and

(b) any consents which are required by section 15(9) of the 2006 Act have been obtained.

Method of registration

8.—(1) Where the registration authority grants an application, it must make the necessary registration, following as closely as possible Model Entry No 4 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 15 of the Commons Act 2006.)".

(2) The provisions of paragraphs (2) to (6) of General Regulation 10 apply to registrations under these Regulations as they apply to registrations made pursuant to the General Regulations with the following modifications—

(a) in paragraph (2), after the words "Form 2, and", insert ", to the extent required,"; and

(b) in paragraph (5), the words "for the Register of Common Land shall bear the prefix CL, and every such number" do not apply.

(3) The provisions of regulation 9 of the Commons Registration (Objections and Maps) Regulations 1968(**6**) (changes as to provisional register maps) apply for the purposes of section 15 of the 2006 Act as they apply for the purposes of section 4 of the Commons Registration Act 1965(**7**) with the following modifications—

(a) paragraphs (1), (2) and (3) do not apply;

(b) "new map" means any map taken into use for the purpose of this regulation; and

(**6**) S.I. 1968/989, as amended by S.I. 1969/1843, 1970/384 and 1990/311.
(**7**) 1965 c. 64.

(c) in paragraph (4), for the words "six inches to one mile", substitute "1:2,500".

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

(5) Where the land which is the subject of an application is already registered as common land in the register of common land, the registration authority must, in addition,—

(a) where rights of common are entered in that register, make a corresponding entry in the register of town or village greens; and

(b) modify the entry in the register of common land so that the land which is the subject of the application ceases to be registered as common land.

(6) Where a registration authority has made a registration under this regulation, it must file the application form and any plan and return all other documents which accompanied the application to the applicant.

(7) In this regulation—

(a) "Model Entry No 4" means the specimen entry so numbered in Part I of Schedule 2 to the General Regulations; and

(b) "register of common land" and "register of town or village greens" refer to the registers maintained by a registration authority pursuant to section 3 of the 1965 Act(**8**).

Information about disposal of applications, and procedure on rejection

9.—(1) When the registration authority has disposed of an application and, if it has granted the application, has made the necessary registration, it must give written notice of the fact to—

(a) every concerned authority;

(b) the applicant; and

(c) every person whose address is known to the registration authority and who objected to the application.

(2) Such notice must include, where the registration authority has granted the application, details of the registration and, where it has rejected the application, the reasons for the rejection.

(3) A person is deemed to have objected to an application for the purposes of paragraph (1) if that person submitted a statement in objection to the application which the registration authority was required to consider under paragraph (2) of regulation 6 or which it did consider under that paragraph.

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

Land descriptions

10.—(1) This regulation applies to the description of any land which is the subject of an application for registration as a town or village green.

(2) Land must be described for the purposes of any application—

(a) by an Ordnance map accompanying the application and referred to in that application; or

(b) in the case of land already registered as common land, if the application relates to the whole of the land in a register unit, by a reference to that register unit.

(3) Any Ordnance map accompanying an application must—

(**8**) By article 4(1) of the Commons Act 2006 (Commencement No. 1, Transitional Provisions and Savings) (Wales) Order 2007 (S.I. 2007/2386) (W.197) (C.88), a green complying with the criteria under section 15 of the 2006 Act is to be entered in the register maintained by a registration authority pursuant to the 1965 Act.