1965 No. 2001

COMMON, ENGLAND

The Commons Registration (Exempted Land) Regulations 1965

Made - - - -	*22nd November* 1965
Laid before Parliament	*2nd December* 1965
Coming into Operation	*1st January* 1966

The Minister of Land and Natural Resources in exercise of the powers conferred on him by sections 11 and 19 of the Commons Registration Act 1965(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Commons Registration (Exempted Land) Regulations 1965 and shall come into operation on 1st January 1966.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires:—

" the Act " means the Commons Registration Act 1965(a);

" application " means an application for an exemption order;

" concerned authority " means the registration authority and any authority prescribed under Article 4 below;

" concerned land " means land comprised in an application;

" exemption order " means an order under section 11 of the Act (exemption from registration);

" Form " means one of the forms in the Schedule to these Regulations, or a form to substantially the same effect.

(2) A requirement to display copies of a document is a requirement to treat it, for the purposes of section 287 of the Local Government Act 1933(b) (public notices), as if it were a public notice within that section.

(3) The Interpretation Act 1889(c) applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Applications

3. Every application shall be in Form A, and no application shall be entertained by the Minister unless it is made to him before 1st October 1966.

Prescribed authorities

4. For the purposes of section 11(4) of the Act (which provides that the Minister shall, before dealing with any application, send copies thereof to the registration authority and to such other local authorities as may be prescribed,

(a) 1965 c. 64. (b) 23 & 24 Geo. 5. c. 51. (c) 52 & 53 Vict. c. 63.

and shall inform those authorities whether he has granted or refused the application) the following authorities are hereby prescribed:—

(*a*) every local authority (other than a registration authority) in whose area any part of the concerned land lies ; and

(*b*) where any part of the concerned land is comprised in an agreement under section 2 of the Act, the authority which, but for the agreement, would be the registration authority in relation to that part.

Information to public

5.—(1) Where the Minister has sent a copy of an application to a concerned authority, accompanied by a notice in Form B relating to the application, the authority shall keep the copy of the application available for public inspection at all reasonable times and shall display copies of the notice.

(2) Where the Minister has, by means of a notice in Form C, informed a concerned authority that he has granted an application, the authority shall display copies of the notice, and, where the Minister has sent the authority a copy of the exemption order, the authority shall keep it available for public inspection at all reasonable times.

(3) Where the Minister has, by means of a notice in Form D, informed a concerned authority that he has refused an application, the authority shall display copies of the notice.

In Witness whereof the official seal of the Minister of Land and Natural Resources is hereunto affixed on 22nd November 1965.

L.S.

F. T. Willey,
Minister of Land and Natural Resources.

SCHEDULE

Form A

Commons Registration Act 1965

Application for an Exemption Order

To the Minister of Land and Natural Resources.

Application is hereby made for an order under section 11 of the Commons Registration Act 1965 exempting the land described below and in the accompanying map from the provisions of sections 1 to 10 of the Act.

1. Name and address of applicant.	
2. Name and address of applicant's solicitor or other agent (if any) to whom correspondence should be sent.	
3. Particulars of land proposed for exemption:— (a) approximate area. (b) name by which commonly known. (c) administrative county, county borough or London borough in which situated. (d) county district (if any) in which situated. (e) rural parish (if any) in which situated. (f) colour of boundary verge line on map. (See Note 1 below.)	
4. Name and address of the owner of the land. (See Note 2 below.)	
5. If the applicant is not himself the owner of the land, he should indicate here what legal interest he has in it, if any (e.g. as lessee, tenant or mortgagee).	
6. Does the applicant believe the land to be common land? (See Note 3 below.)	
7. If so, on what grounds?	

8. If not, does the applicant believe the land to be a town or village green? (See Note 4 below.)	
9. If so, on what grounds?	
10. Does any other land which the applicant believes to be common land or a town or village green immediately adjoin the land which is the subject of this application? If so, he should describe the adjoining land and give the reasons for its exclusion from this application. He should also mark it with a distinguishing colour on the map accompanying the application.	
11. How is the land regulated? (Read Note 5 below and give the title and date of any scheme, and the short title of any Act, by or under which the land is regulated.)	
12. Name and office address of the authority responsible for managing the land under the scheme or Act regulating it.	
13. Upon what facts does the applicant rely as tending to show that no rights of common have been exercised over the land for at least thirty years? (See Note 6.)	
14. Names and office addresses of two newspapers circulating in the district where the land lies.	

DECLARATION

(See Note 7)

I have studied the Notes printed below.

The statements contained in this application are true to the best of my knowledge and belief, and I have no information which would lead me to suppose that rights of common have been exercised over the land which is the subject of this application at any time during the last thirty years.

*I am duly authorised by the applicant to make this declaration.

Dated 19

Signature of applicant
or of person on applicant's behalf .....

*Strike out this portion where the declaration is made by the applicant personally.

Where the declaration is not signed by the applicant personally, the person signing must here give his full name and state the capacity in which he is acting

.....

NOTES

1. The applicant must supply a map, signed by the person signing the application, clearly delineating the land the subject of the application by a coloured verge line within the boundary. The map should be based on the ordnance map, and should be on a scale of not less than six inches to the mile. Insets on a larger scale may be inserted where necessary to show boundary detail which cannot be shown on the general scale of the map. The map shall be deemed to form part of the application. The applicant must also supply two copies of the map, and care should be taken to see that all three are identical.

2. The owner, for the purposes of the Act, is the person who holds the legal estate in fee simple in the land. If the owner is not known, the Minister must refuse the application.

3. Common land is defined in the Act as:—

(*a*) land subject to rights of common (as defined in the Act) whether those rights are exercisable at all times or only during limited periods;

(*b*) waste land of a manor not subject to rights of common.

The Act, however, provides that common land does not include a town or village green or any land forming part of a highway. "Land" includes land covered with water, so that common land can, for instance, include lakes.

Rights of common are not exhaustively defined in the Act, but it is provided that they include cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture. They do not, however, include rights which are less than freehold, i.e. rights held for a term of years or from year to year.

If rights of common have been exercised at any time during the last thirty years, the Minister must refuse the application.

4. "Town or village green" is defined in the Act as land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality or on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes or on which the inhabitants of any locality have indulged in such sports or pastimes as of right for not less than twenty years. Here also, "land" includes land covered with water, so that a town or village green can, for instance, include a pond.

5. "Regulated" means regulated—

(*a*) by a scheme under the Commons Act 1899; or

(*b*) by a scheme under the Metropolitan Commons Acts 1866 to 1898; or

(*c*) under a local Act; or

(*d*) under an Act confirming a provisional order made under the Commons Act 1876.

If the land is not regulated in one of these ways, the Minister must refuse the application.

6. The Minister must be satisfied that there has been no exercise of common rights over the land at any time during the last thirty years. If he is not so satisfied he is bound to refuse the application. Accordingly, publicity will be given to the application, and persons claiming to have exercised, or to know of the exercise, of common rights within the last thirty years will be invited to send information to the Minister.

7. The declaration is to be signed by the applicant personally, unless the application is made by a body corporate or unincorporate, in which case it is to be signed by an officer of the applicant duly authorised to make the application.

Ministry of Land and Natural Resources Form B

Commons Registration Act 1965

Notice of Application for an Exemption Order

Application has been made to the Minister of Land and Natural Resources by (name and address of applicant) for an order under section 11 of the Commons Registration Act 1965 exempting the land of which particulars are given below from registration under the Act.

The Act provides for the registration of common land and town or village greens and of rights of common. The registration of rights of common entails the registration of the land over which they are exercised. Persons claiming the freehold ownership of land registered under the Act will be required to register their claims unless the freehold title is registered at the Land Registry.

Registration will not begin before 1st January 1967, and detailed information about it will be given nearer that date.

Applications for exemption from registration must be made to the Minister before 1st October 1966. The Minister may not make an order for exemption with respect to any land unless it appears to him—

(*a*) that the land is regulated by a scheme under the Commons Act 1899 or the Metropolitan Commons Acts 1866 to 1898 or is regulated under a local Act or under an Act confirming a provisional order made under the Commons Act 1876; and

(*b*) that no rights of common have been exercised over the land for at least thirty years and that the owner of the land is known.

If the Minister grants the application and makes the order, the registration provisions of the Commons Registration Act 1965, as briefly outlined above, will not apply to the land described below. However, land that is common land or a town or village green will not cease to be so if an order is made in respect of it, nor will the rights or interests of any person in the land be prejudiced by the order.

Local authorities in whose area any part of the land lies have been sent copies of the application (incorporating a map of the land), which they are required by law to keep available for public inspection. Any person wishing to object to the grant of an exemption order, and any person who has exercised, or who knows of the exercise of, common rights over any part of the land at any time during the last thirty years, should, within forty days of the date of this notice, send a written and signed statement of the facts to

The Secretary,

Ministry of Land and Natural Resources,

54, Broadway,

London, S.W.1.

Dated 19

(Signature on behalf of Minister)

PARTICULARS OF THE LAND SOUGHT TO BE EXEMPTED FROM REGISTRATION UNDER THE ACT

(*a*) approximate area.

(*b*) name by which commonly known.

(*c*) administrative county, county borough or London borough in which situated.

(*d*) county district (if any) in which situated.

(*e*) rural parish (if any) in which situated.

Form C

Ministry of Land and Natural Resources

Commons Registration Act 1965

Notice of Grant of Exemption Order

The Minister of Land and Natural Resources has, upon the application of (name and address of applicant), made an order under section 11 of the Commons Registration Act 1965 exempting the land of which particulars are given below from registration under the Act.

In consequence, the registration provisions of the Act will not apply to this land. However, land that is common land or a town or village green does not cease to be so because an order has been made in respect of it, nor are the rights or interests of any person in the land prejudiced by the order.

*This paragraph to be deleted if inapplicable.

*A copy of the order, incorporating a map of the land, may be seen at (address of office where the copy of the order may be seen).

Every local authority in whose area any part of the land lies holds available for public inspection a copy of the application for the order incorporating a map of the land.

Dated 19 .

(Signature on behalf of Minister)

PARTICULARS OF THE LAND COMPRISED IN THE EXEMPTION ORDER

(*a*) approximate area.

(*b*) name by which commonly known.

(*c*) administrative county, county borough or London borough in which situated.

(*d*) county district (if any) in which situated.

(*c*) rural parish (if any) in which situated.

Form D

Ministry of Land and Natural Resources

Commons Registration Act 1965

Notice of Refusal of Exemption Order

The Minister of Land and Natural Resources has, after considering the application of (insert name and address of applicant), refused to grant an order under section 11 of the Commons Registration Act 1965 exempting the land of which particulars are given below from registration under the Act. In consequence,

persons wishing to establish that the land is a common or a town or village green, or to register rights of common over it, or to be registered as owners thereof must, with certain exceptions, make application under the Act when registration begins. This will not be before 1st January 1967, and public notice of the start of registration, with detailed information about the procedure, will be given nearer that date.

Every local authority in whose area any part of the land lies holds available for public inspection a copy of the application for the order, incorporating a map of the land.

Dated 19 .

(Signature on behalf of Minister)

PARTICULARS OF THE LAND IN RESPECT OF WHICH AN EXEMPTION ORDER HAS BEEN REFUSED

(*a*) approximate area.

(*b*) name by which commonly known.

(*c*) administrative county, county borough or London borough in which situated.

(*d*) county district (if any) in which situated.

(*e*) rural parish (if any) in which situated.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe 30th September 1966 as the last date for applying to the Minister of Land and Natural Resources for an order under section 11 of the Commons Registration Act 1965 exempting common land and town or village greens from registration under the Act. They also prescribe a form of application for such an order, and provide for information to be given to the public about applications for orders and their grant or refusal.
