

# Commons Act 2006

## Factsheet 1: Registration and the pilot implementation

The Commons Act 2006 brings new responsibilities for commons registration authorities and stakeholders in updating and maintaining registers of common land and town and village greens.

### What are the commons registers?

Commons registration authorities (generally county and unitary councils) keep registers of land which is common land or a town or village green, together with information about the rights of common exercisable over the registered land. The registers were drawn up in the late 1960s, and in some respects, are now out-of-date.

### How does the Act affect the commons registers?

Part 1 of the Act will allow commons registration authorities to bring their registers up-to-date by recording past events affecting the registers during a 'transitional application period'. Once the transitional application period is underway, they will also have to keep the registers up-to-date by recording new events affecting the registers. Commons registration authorities will have new powers to correct many of the mistakes in the registers.

### When does it start?

In England, implementation of the registration provisions in the Act is beginning with a pilot scheme, starting in October 2008. Commons registration authorities participating in the pilot are: the county councils of Cornwall, Devon (not Plymouth or Torbay), Hertfordshire, Kent (not Medway) and Lancashire (not Blackpool), the County of Herefordshire district council, and Blackburn with Darwen borough council. The pilot scheme begins with a two year transitional application period, during which you will be able to apply to the participating registration authorities to update the registers to show changes which have occurred since 1970, but which have not been recorded in the registers.

A decision on how and when to roll the registration provisions in the Act out to the rest of England will be made after the completion of the transitional application period in the pilot areas (i.e. after September 2010).

### May I look at the commons registers?

Yes, the commons registers are open to public inspection: please ask your commons registration authority for details. In the pilot areas, from October 2008, section 20 of the Act will allow you to view records held by the authority associated with the registers such as old applications for registration.

For more information please contact:

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<http://www.defra.gov.uk/rural/protected/commonland/index.htm>



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## Factsheet 1: Registration and the pilot implementation (cont'd)

### Can I remove wrongly registered common land from the register?

You may be able to apply to remove land from the registers if you can show the land to have been wrongly registered under the Commons Registration Act 1965. You can also apply to deregister common land or greens where the land was built upon at the time of its original registration, and remains built upon at the time your application is decided. You must apply by December 2020.

You can also apply now (throughout England, except for the New Forest, Epping Forest and the Forest of Dean) under section 16 of the Act to deregister common land to allow development to take place if (in most cases) you give replacement land in exchange and the overall application is in the public interest. Generally, however, the Act provides new safeguards for common land against deregistration, so as to ensure its long term protection.

### Can I register land as common land?

You may be able to apply to register land as common land if its registration under the Commons Registration Act 1965 was cancelled by the Commons Commissioner in certain circumstances, or if the land is recognised as common land under a statutory scheme of management or local Act.

### Can I register rights of common?

You cannot now register rights of common which should have been registered under the Commons Registration Act 1965: those rights were extinguished in 1970. But you must register any new rights of common which you have acquired since 1970 during the two year transitional application period (in the pilot areas, this ends in September 2010), or they will be extinguished.

### I've sold my rights: do I need to do anything?

If you sold your land with rights of common attached, then you do not need to do anything: the rights remain attached to the land. But if you severed the rights from the land, surrendered or varied them, at any time since 1970, you must make sure that you apply to update the register during the two year transitional application period (in the pilot areas, this ends in September 2010), unless you applied to amend the register at the time.

### How do I find out more?

In the pilot areas, ask your commons registration authority for information, or visit Defra's website.

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