

Commons Act 2006 Implementation Update No.19

14 October 2010

This is number 19 in a series of emails to update you on the implementation of the Commons Act 2006 ('the 2006 Act'). In this update:

- ***Abolition of the Commons Commissioners***
- ***Improved guidance on registration of new town and village greens***

Please feel free to circulate this to colleagues or other interested people — or just hit 'reply' and say 'no thanks' if you want to have your name removed from this distribution list (we won't be offended!). This update is also sent to members of the National Common Land Stakeholder Group.

Abolition of the Commons Commissioners

Statutory instruments have been made which have the effect of abolishing the office of the Commons Commissioners, and of the structure for provisional registration of land under the Commons Registration Act 1965, in both England and Wales.

The Parliamentary Under-Secretary for Natural Environment and Fisheries in England, and the Minister for Rural Affairs in Wales, have made the following instruments:

- [The Commons Registration \(Amendment and Miscellaneous Revocations\) Regulations 2010](#) (described below as 'the Regulations');
- [The Commons Act 2006 \(Commencement No. 1 and Savings \(England and Wales\) and Commencement No. 5 \(England\) \(Amendment\)\) Order 2010](#) (described below as 'the Commencement Order').

The Regulations, which come into force on 30 November, revoke various regulations made under the Commons Registration Act 1965 ('the 1965 Act') which are now redundant because the time period for making applications for provisional registration under the 1965 Act has expired and all outstanding provisional registrations referred to the Commissioners have been determined.

The Commencement Order, which comes into force on 1 December, brings into force certain repeals in the Commons Act 2006 as regards the 1965 Act, insofar as it provides for provisional registration, and the determination of provisional registrations by the Commons Commissioners. The Commencement Order also abolishes the office of the Commons Commissioners, by repealing provision for the Commissioners in the 1965 Act.

It follows that, from 1 December, the Commons Commissioners will cease to exist, and neither Defra nor the Welsh Assembly Government will be able to deal with any matter on behalf of the Commissioners (provision has been made enabling the Secretary of State to act in respect of any legal challenge made to a decision of the Commissioners).

The abolition of the Commons Commissioners marks the conclusion of forty years of work and over 10,000 separate decisions. While the work took far longer than originally anticipated, it was also a remarkable exercise, which has validated the registration of nearly 400,000 hectares of common land, over 4,000 town or village greens, and nearly 25,000 rights of common. The work of the Commissioners having been concluded, the Commissioners have no further duties, and the commencement order merely gives effect to the principle that they are already *functi officio*. The majority of the decisions of the Commissioners are available on the website of the Association of Commons Registration Officers (www.acraew.org.uk/index.php?page=commissioners-decisions), and further decisions will be added later this year.

Improved guidance on registration of new town and village greens

The [Guidance to commons registration authorities and the Planning Inspectorate within the pioneer implementation areas](#) has been amended to expand Defra's interpretation of the criteria for town and village greens applications. The criteria for section 15 registration apply throughout England and Wales and therefore the guidance on interpretation applies to all commons registration authorities in England.

We have adopted the same approach to the guidance notes for the completion of an application (which apply outside the pioneer areas in England) and the guidance for applicants within the pioneer areas. Both documents now refer, with respect to interpretation of the criteria only, to the guidance to commons registrations authorities within the pioneer areas. In effect, both sets of guidance to applicants have been simplified, and potential applicants are advised, if required, to refer to the fuller treatment of questions of interpretation in the guidance to commons registration authorities in the pioneer areas.

Further information

More information about the 2006 Act is available at:
www.defra.gov.uk/rural/protected/commonland/index.htm.

If you have any questions about this email, please don't hesitate to contact us by return e-mail at: commonsandgreens@defra.gsi.gov.uk.

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