
STATUTORY INSTRUMENTS

1968 No. 989

COMMON

The Commons Registration (Objections and Maps) Regulations 1968

<i>Made</i>	<i>- - - -</i>	<i>24th June 1968</i>
<i>Laid before Parliament</i>		<i>28th June 1968</i>
<i>Coming into Operation</i>		<i>1st July 1968</i>

The Minister of Housing and Local Government and the Secretary of State, in exercise of their respective powers under sections 3 and 19 of the Commons Registration Act 1965, as read with the Ministry of Land and Natural Resources (Dissolution) Order 1967(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Commons Registration (Objections and Maps) Regulations 1968, and shall come into operation on 1st July 1968.

Interpretation

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires,—

“the Act” means the Commons Registration Act 1965;

“concerned authority”, in relation to a registration, means a local authority (other than the registration authority) in whose area any part of the land affected by the registration lies;

“Form” followed by a number from 1 to 21 means the form so numbered in the General Regulations or a form to substantially the same effect, and “Form” followed by a number above 21 means the form so numbered in Schedule 1 to these Regulations, or a form to substantially the same effect;

“the General Regulations” means the Commons Registration (General) Regulations 1966(2) as amended by the Commons Registration (General) (Amendment) Regulations 1968(3) and

(1) (1967 I, p. 258).

(2) (1966 III, p. 3978).

(3) (1968 I, p. 1490).

“General Regulation” followed by a number means the regulation so numbered in the General Regulations;

“Model Entry” means one of the specimen entries provided as examples in Part 1 of Schedule 2 to these Regulations;

“objector”, in relation to an objection, means the person making the objection;

“registration” means registration under section 4 of the Act, and “registered” shall be construed accordingly;

“provisional register map” bears the same meaning as in the General Regulations;

“register unit” bears the meaning assigned to that expression in General Regulation 10;

“registration area” means the land in relation to which a local authority is the registration authority;

“supplemental map” bears the meaning assigned to that expression in General Regulation 20.

(3) A requirement upon an authority to publish a document in any area is a requirement to cause the document to be published in such one or more newspapers circulating in that area as shall appear to the authority sufficient to secure adequate publicity for it.

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

(5) Where the day or the last day on which anything is required or permitted by or in pursuance of these regulations to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before-mentioned.

(6) A requirement upon 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, and that the impression shall bear the date mentioned in the requirement or (where no date is mentioned) the date when it was affixed.

(7) An indication in any form in Schedule 1 to these Regulations that the form shall bear the official stamp of a registration authority is a requirement upon the authority to stamp it.

Publicity about registrations and about facilities for making objections

3.—(1) Not later than 30th September 1968, every registration authority shall issue a notice which, if the authority has in either of its registers any registration made before 1st July 1968, shall be in Form 22, and, if not, in Form 23.

(2) As soon as possible after it has either rejected or given effect to every application for registration made before 3rd January 1970, and in any case not later than 30th April 1970, every registration authority shall issue a notice which, if the authority has in either of its registers any registration made after 30th June 1968, shall be in Form 24, and, if not, in Form 25.

(3) Every registration authority issuing a notice under this regulation shall forthwith—

(a) publish the same in the registration area;

(b) display copies thereof;

(c) send the notice to any other local authority having in its area any land in the registration area;

and, as soon as possible thereafter, cause the notice to be published in the London Gazette.

(4) Every local authority receiving a notice under this regulation shall forthwith display copies thereof.

(5) A requirement under this regulation to publish a notice in Form 22 or 24 in a registration area shall be deemed to be satisfied by the publication in that area of such a notice with the omissions indicated for that purpose in the note to the relevant form.

Objection periods

4.—(1) There shall be two objection periods, called the first objection period and the second objection period.

(2) The first objection period shall begin on 1st October 1968 and end on 30th September 1970, and the second shall begin on 1st May 1970 and end on 30th April 1972.

(3) Where a registration is made before 1st July 1968 an objection to it shall not be entertained unless it is made during the first objection period, and, where a registration is made after 30th June 1968, an objection to it shall not be entertained unless it is made during the second objection period.

Manner of making objections

5.—(1) Every objection to a registration must be in Form 26, and on one of the prints of that form to be supplied to registration authorities under arrangements to be made by H.M. Stationery Office.

(2) Where a person wishes to object on the same grounds to two or more registrations of rights of common comprised in the same register unit (not being registrations deemed to be so comprised under General Regulation 14) he may include all such registrations in a single Form 26, but, except as aforesaid, no objection shall relate to more than one registration.

(3) An objection form signed by an agent on behalf of an individual objector shall be supported by such evidence (if any) of the agent's authority as, after considering the objection, the registration authority may reasonably require.

(4) (a) Where an objection is of a type mentioned in sub-paragraph (b) below, the objection form must be accompanied by a plan clearly defining by distinctive colouring the land to which the objection relates, signed by the person who has signed the form.

(b) Paragraph (a) above applies to the following types of objection:—

- (i) an objection to the registration of land as common land or as a town or village green relating to part only of the land comprised in a register unit;
- (ii) an objection to the registration of a right of common relating to part only of the land over which the right is registered as exercisable;
- (iii) an objection to the registration of a right of common relating to part only of the land to which the right is stated in the register to be attached, except where the part consists of one or more whole numbered parcels on the ordnance map and is described in the register and in the objection form by reference to the ordnance parcel numbers;
- (iv) an objection to the registration of a claim to the ownership of land relating to part only of the land to which the registration applies.

Manner of dealing with objections

6.—(1) On receiving an objection, a registration authority shall allot a distinguishing number to it, and shall mark the objection form with that number. The number so allotted shall be from a single series, whatever the type of objection.

(2) The registration authority shall send the objector a receipt for his objection containing a statement of the number allotted thereto; and Form 6, if used for that purpose, shall be sufficient.

(3) Where a registration authority rejects an objection, it shall return the objection form to the objector, with a written statement giving the reasons for the rejection; and Form 27, if used for that purpose, shall be sufficient.

(4) In noting an objection on the register the registration authority shall follow Model Entry 22 or 23 as closely as possible, entering the note in the “Notes” space of the appropriate section of the register and omitting any reference to the grounds of objection.

(5) Where an objection to the registration of any land as common land or as a town or village green has been noted in a register, then whether or not any rights of common are registered over the land, the registration authority shall enter in the rights section of the register, or, where the land is or becomes registered both as common land and as a town or village green, in the rights section of each register, a note substantially in accordance with Standard Entry 8 in Part 2 of Schedule 2 to these Regulations, and shall not cancel the note until all objections to the registration, or, as the case may be, to either registration, have been withdrawn or finally disposed of.

(6) Forthwith after noting an objection on the register the registration authority shall send the objector a written statement in Form 27 to the effect that the objection has been noted on the register, and shall file the objection form and any plan thereto.

Notice of objections

7.—(1) Where a registration authority has noted on a register an objection to a registration, it shall within two weeks—

- (a) give notice of the objection in Form 28 to the person (if any) on whose application the registration was made, to any person whose application is noted (whether under section 4(4) of the Act or under General Regulation 9(5)), and, where the registration is of land, to any person upon whose application rights have been registered over any part of the land and any person whose application has been noted under General Regulation 9(5); and
- (b) send to every concerned authority a copy of the note made in the register, with sufficient particulars to enable the relevant registration to be identified.

(2) An authority receiving a document under this regulation shall keep it available for public inspection at all reasonable times.

(3) Where an objection to the registration of any land has been noted on the register, and rights over the land are thereafter registered on the application of any person, the registration authority shall give to that person, and to any person whose application to register those rights is noted under General Regulation 9(5), notice of the objection in Form 28.

Cancellations, modifications and withdrawals

8.—(1) A registration authority may, if it thinks fit, cancel or modify a registration to which objection is made under section 5 of the Act at the request of any person whose application is noted under General Regulation 9(5), if the person on whose application the registration was made and the other persons (if any) whose applications have been so noted consent in writing.

(2) Where a registration has been cancelled (whether or not by virtue of paragraph (1) above) the registration authority shall destroy any supplemental map relating to it.

(3) Where a registration has been cancelled or modified (whether or not the cancellation or modification was by virtue of paragraph (1) above) the registration authority shall, not later than twenty-one days after the date of the cancellation or modification, send notice in Form 15 to every concerned authority, to every person who made an objection to the registration, to the persons (if any) to whom notice was given under paragraph (3) of General Regulation 12 (conflicting registrations) and to every person who is entitled to receive notice of an objection to the registration, or who would

be so entitled but for the cancellation; and, in the case of a modification, the notice shall if necessary incorporate a plan,

- (4) Where an objection to a registration has been withdrawn, the registration authority shall—
(a) note the withdrawal on the register as indicated in Model Entry 23;
(b) inform the objector in writing that it has done so; and
(c) send written notice of the withdrawal to every concerned authority and to every person entitled to receive notice of an objection to the registration.

(5) Every authority receiving a document under this regulation shall annex it to the copy of the registration or note of objection to which it relates and keep it available for public inspection at all reasonable times.

(6) General Regulation 13 (which contained provisions now included in the foregoing provisions of this regulation) is hereby revoked.

(7) Where any land has been registered both as common land and as a town or village green, and one of the registrations of the land is cancelled, paragraph (4) of General Regulation 14 (double registration of land) shall apply whether or not the cancellation is by virtue of General Regulations 12 (conflicting registrations) and, accordingly, the words “under regulation 12 above” in that paragraph are hereby revoked.

Changes as to provisional register maps

9.—(1) In this regulation, “new map” means any provisional register map taken into use after 30th June 1968, or any sheet so taken into use of a provisional register map consisting of more than one sheet.

(2) A map or sheet is taken into use for the purpose of this regulation on the date stamped on it by virtue of General Regulation 19.

(3) Paragraphs (2) and (5) of General Regulation 16 shall not apply to a new map, and paragraph (6) of that regulation shall not apply to any provisional register map which is a new map or of which any new map forms part.

(4) Every new map shall be prepared on an ordnance map of a scale of not less than six inches to one mile, but where the registration authority considers it expedient to show any particulars on a larger scale, it may insert an inset map for that purpose.

(5) Black shall not be used to mark a new map, every colour so used shall be a transparent colour, and every line, letter or other symbol so used which is not required by any other provision of these Regulations to be of any specified width shall be drawn or written as finely as possible. A coloured verge to be placed inside a boundary shall be placed with its outer edge touching the boundary.

(6) Every new map shall show:—

- (a) by a yellow verge inside the boundary, the word EXEMPTED and, where necessary, a red interrupted line on the boundary, any land situated in the area of the registration authority to which, by virtue of an order under section 11 of the Act, the provisions of sections 1 to 10 thereof do not apply;
- (b) by a green verge inside the boundary, the appropriate register unit number and, where necessary, a red interrupted line on the boundary, the land comprised in each register unit;
- (c) by red continuous lines and red lettering, or by red lettering alone, the limits of any land over which a registered right of common is exercisable, or to which a registration of ownership applies, so far as those limits do not coincide with the boundaries of the land comprised in a register unit, and cannot conveniently be described by reference to any feature appearing on the said map;

- (d) by violet hatching, with or without violet lettering, the hatching being delimited where necessary by a violet outline, land which has been removed from the register under section 13 of the Act, or of which the registration has been cancelled;
- (e) by blue interrupted lines approximately one millimetre wide, in lengths of approximately three to six millimetres with interruptions of similar length, any boundaries of the registration area falling within the said map;
- (f) by such other colours and symbols as (subject to paragraph (5) above) the registration authority may think fit, other particulars mentioned in the general part of the register, or in any registration (not being particulars of land to which rights of common are attached), which it is necessary or convenient to show on the said map.

(7) There shall be kept annexed to every provisional register map which is a new map or of which any new map forms part a table headed "Key to Colouring and Symbols" containing a description or representation of every colour or symbol used in the said provisional register map (except such of those used, whether under General Regulation 16(5)(f) or under paragraph (6)(f) above, as are not of general application) with a statement of the meaning of each such colour or symbol.

(8) General Regulation 17 (overlays) shall, in its application to a new map, have effect with the substitution, for references to sub-paragraphs (c), (d) and (f) of General Regulation 16(5), of references to sub-paragraphs (c), (d) and (f) of paragraph (6) above.

Given under the official seal of the Minister of Housing and Local Government on 24th June 1968

Anthony Greenwood
Minister of Housing and Local Government

24th June 1968

George Thomas
One of Her Majesty's Principal Secretaries of
State
Welsh Office

SCHEDULE 1

Reg. 2

FORMS

FORM 22Common Land and Town or Village Greens: Provisional Registrations and how to object to them

FORM 23Register of Common Land Register of Town or Village Greens

FORM 24Common Land and Town or Village Greens: Provisional Registrations and how to object to them

FORM 25Register of Common Land Register of Town or Village Greens

FORM 26Notes and Objection Form

FORM 27Notification of (Entry in Register) (Rejection)(4) of an objection

FORM 28NOTICE OF OBJECTION

SCHEDULE 2

Reg. 2

PART 1

MODEL ENTRIES

No. 22

For Notes, any section of register: where an objection relates to several registrations of rights of common, this example can be adapted accordingly.

<i>No. and date of note</i>	<i>Notes</i>
10	The objection No....of A. B. of etc. ... made the 19 ... is noted in respect of registration entry No. 5 in this section.
11 October 1968	

No. 23

For Notes, any section of register: an alternative method of noting objections where there are a large number. A note of a withdrawn objection should be struck through, and a cross-reference made to the note of withdrawal, as shown at Notes 12 and 21 below.

<i>No. and date of note</i>	<i>Notes</i>		
	<i>OBJECTIONS TO REGISTRATIONS IN THIS SECTION</i>		
<i>No. and date of objection</i>	<i>No. of entry objected to</i>	<i>Name and address of objector</i>	
10	27	5	A. B. of etc.

(4) Delete as necessary

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No. and date of note	Notes		
<i>OBJECTIONS TO REGISTRATIONS IN THIS SECTION</i>			
	No. and date of objection	No. of entry objected to	Name and address of objector
11 October 1968	1 October 1968		
11	38		C. D. of etc.
14 October 1968	8 October 1968	7	
12	39	18	E. F. of etc.
14 October 1968	8 October 1968	(See Note 21 below)	
21			The objection of E. F. noted at Note 12 above has been withdrawn.
2 December 1968			

PART 2

STANDARD ENTRY

EXPLANATORY NOTE

These Regulations provide for publicity about facilities for objecting to the provisional registration, under the Commons Registration Act 1965, of land as common land or as a town or village green, and of rights of common over and claims to ownership of such land. They prescribe the form to be used for objections, the periods within which objections must be made and the manner of noting them in the registers; and they provide for notice to be given to interested persons. The Regulations also introduce new colouring and symbols for register map sheets which are taken into use after 30th June 1968.