

1973 No. 815

COMMON

**The Commons Registration (Second Period References)
Regulations 1973**

<i>Made</i>	- - -	<i>26th April 1973</i>
<i>Laid before Parliament</i>		<i>7th May 1973</i>
<i>Coming into Operation</i>		<i>31st May 1973</i>

The Secretary of State for the Environment (as respects England except Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire) in exercise of powers conferred by section 5(6) of the Commons Registration Act 1965(a) and now vested in them (b) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Commons Registration (Second Period References) Regulations 1973 and shall come into operation on 31st May 1973.

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

(3) In these regulations—

“the Act” means the Commons Registration Act 1965;

“the Commissioners Regulations” means the Commons Commissioners Regulations 1971(d);

“the General Regulations” means the Commons Registration (General) Regulations 1966(e) as amended (f);

“register unit” bears the meaning assigned to that expression in regulation 10 of the General Regulations;

“registration” means a registration under section 4 of the Act.

Periods for settlement of disputes about remaining registrations

2.—(1) For the purposes of section 5(6) of the Act (which provides that, where an objection is made to a registration, then, unless the objection is withdrawn or the registration cancelled before the end of such period as may be prescribed, the registration authority shall refer the matter to a Commons Commissioner) there is hereby prescribed, in relation to every objection to which this regulation applies, a period beginning with the date of the objection and ending with 31st July 1973.

(a) 1965 c. 64.

(b) S.I. 1967/156, 1970/1681 (1967 I, p. 258; 1970 III, p. 5551).

(c) 1889 c. 63.

(d) S.I. 1971/1727 (1971 III, p. 4688).

(e) S.I. 1966/1471 (1966 III, p. 3978).

(f) The relevant amending instrument is S.I. 1968/989 (1968 II, p. 2615).

(2) This regulation applies to every objection in relation to which no period has been prescribed for the purposes of section 5(6) of the Act (a), that is to say, it applies to every objection to a second period registration and to the following objections to first period registrations:—

- (a) an objection deemed, by virtue of regulation 7(1) of the Commissioners Regulations (Conflicting registrations) to have been made after 30th June 1968;
- (b) an objection to a registration which is deemed, by virtue of that regulation, to have been objected to after 30th June 1968; and
- (c) an objection to a registration contained in a register unit which either contains, or is by virtue of regulation 14 of the General Regulations (Double registration of land) deemed to contain, a second period registration.

(3) In this regulation “first period registration” means a registration made before 1st July 1968 and “second period registration” means a registration made after 30th June 1968.

Geoffrey Rippon,

Secretary of State for the Environment.

18th April 1973.

Peter Thomas,

Secretary of State for Wales.

26th April 1973.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Commons Registration Act 1965 provides that any dispute arising from an objection to a registration of land as common land or as a town or village green, of rights of common over such land or of any person as the owner thereof, is to be referred to a Commons Commissioner unless either the objection is withdrawn or the registration is cancelled before the end of such period as may be prescribed by regulations under the Act.

Disputes concerning first period registrations (that is, registrations made before 1st July 1968) have, subject to the exceptions mentioned in the third paragraph of this Note, been referable to Commons Commissioners at any time after 17th December 1971 under regulation 6 of the Commons Commissioners Regulations 1971 (the 1971 Regulations).

The exceptions referred to in the second paragraph of this Note are (a) disputes concerning first period registrations arising from a conflict between a first period registration and a second period registration (resulting in the second period registration being treated as an objection to the first period registration as mentioned in regulation 7(1) of the 1971 Regulations), (b) disputes arising from an actual objection to a first period registration where that registration conflicts with a second period registration as mentioned in (a) above, and (c) disputes concerning a first period registration which was entered or deemed to be entered in the same register unit as a second period registration.

(a) Viz. by regulation 6 of the Commissioners Regulations.

Disputes concerning second period registrations (those made after 30th June 1968) were not within the scope of regulation 6 of the 1971 Regulations. These disputes may arise from an actual objection to a second period registration or from a conflict, for example between a first and second period registration resulting in the first period registration being treated as an objection to the second period registration as mentioned in regulation 7(1) of the 1971 Regulations.

The present Regulations provide for all remaining disputes by prescribing a period for the withdrawal of objections to, or the cancellation of, all registrations to which regulation 6 of the 1971 Regulations does not apply. The period prescribed is one beginning with the date of the objection and ending with 31st July 1973 at the end of which the dispute becomes referable to a Commons Commissioner as mentioned in the first paragraph of this Note.

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