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**S T A T U T O R Y   I N S T R U M E N T S**

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**1971 No. 1727****COMMON****The Commons Commissioners Regulations 1971**

*Made* - - - - 26th October 1971  
*Laid before Parliament* 4th November 1971  
*Coming into Operation* 17th November 1971

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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 their powers under sections 5(6), 6(2), 8(2), paragraphs (a), (b), (e), (g), (h) and (k) of subsection (1), and subsection (4) of section 19 of the Commons Registration Act 1965(b), and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals under section 10(1) of the Tribunals and Inquiries Act 1971(c), hereby make the following Regulations :—

### PART I

#### PRELIMINARY

##### *Title and commencement*

**1.** These Regulations may be cited as the Commons Commissioners Regulations 1971, and shall come into operation on 17th November 1971.

- (a) Forms 1 to 35 were prescribed in previous statutory instruments under the Commons Registration Act 1965. (b) 1965 c 64.  
(c) 1971 c. 62.

*Interpretation*

2.—(1) The Interpretation Act 1889(a) applies 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 ;

“the Chief Commissioner” means the Chief Commons Commissioner, or the Commissioner appointed under section 17(3) of the Act to act for the time being in his stead ;

“the Clerk” means the Clerk for the time being of the Commissioners ;

“Commissioner” means a Commons Commissioner, and “the Commissioner”, in relation to any matter, means the Commissioner by whom the matter falls to be dealt with ;

“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 ;

“dispute” means a matter falling to be referred to a Commissioner under section 5(6) of the Act, and “disputed registration” shall be construed accordingly ;

“Form” followed by a number means the form so numbered in the Schedule to these Regulations, or a form to substantially the same effect ;

“General Regulation” followed by a number means the regulation so numbered in the Commons Registration (General) Regulations 1966(b) as amended (c) ;

“proceedings” includes any inquiry or proceedings under the Act ;

“question of the ownership of any unclaimed land” means a question falling to be referred to a Commissioner under section 8 of the Act (Vesting of unclaimed land) ;

“register map” means any map, other than a supplemental map, which, by virtue of any regulation made under the Act, for the time being forms part of a register ;

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

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

“substituted land” and, in relation to any substituted land, “the taken land”, bear the same meanings as in General Regulation 28 ;

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

(3) In these Regulations a requirement to display a notice is a requirement to treat it, for the purposes of section 287 of the Local Government Act 1933(d) (Public notices), as if it were a public notice within that section.

(4) References in these Regulations to a person who appeared at a hearing are references to a person entitled to be heard at the hearing who, whether personally or by his representative, attended any part of the hearing and made his presence known to the Commissioner.

(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,

(a) 1889 c. 63.

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

(c) The amending instruments are not relevant to the subject matter of these Regulations.

(d) 1933 c. 51.

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.

*Notices, etc.*

3.—(1) Any notice under these Regulations which is not required to be in any special form shall be in writing.

(2) Any notice or other document required or authorised by these Regulations to be sent or given to any person shall be deemed to have been duly sent or given to that person—

(a) where that person is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—

(i) sent by post by recorded delivery, or

(ii) delivered at the registered office, or at the principal office or place of business, of the company ;

(b) where that person is a public body, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by post by recorded delivery, or

(ii) delivered at that office ;

(c) in any other case, if the document is addressed to that person, and is either sent by post by recorded delivery to his last known address, or is delivered there.

(3) Where any such document as aforesaid is to be given or sent to any person with respect to any land or rights belonging to an ecclesiastical benefice of the Church of England, a copy thereof shall be sent to the Church Commissioners.

(4) Any application or communication to be made to a Commissioner in respect of any proceedings shall be addressed to the Clerk.

(5) Nothing in this regulation affects the application of section 286 of the Local Government Act 1933 (Service of notices on local authorities, &c.), as amended.

*Substituted service*

4. If any person to whom any notice or other document is required to be sent or given for the purposes of these Regulations cannot be found, or has died and has no personal representative, or is out of the United Kingdom, or if for any other reason service upon any such person cannot be readily effected in accordance with these Regulations, the Chief Commissioner may dispense with service upon that person or may make an order for substituted service in such other form (whether by advertisement in a newspaper or otherwise) as the Chief Commissioner may think fit.

*Vacant benefices of the Church of England*

5. Where any land or rights belong to an ecclesiastical benefice of the Church of England, and the benefice is vacant, anything with respect to the

land or rights which, if the benefice were full, might by virtue of the Act or these Regulations be done by the incumbent may be done by the Church Commissioners.

*Periods for settlement of disputes about certain registrations*

6.—(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 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 17th December 1971.

(2) This regulation applies to every objection to a first period registration except—

- (a) an objection deemed, by virtue of regulation 7(1) below (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 General Regulation 14 (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.

*Conflicting registrations*

7.—(1) Where there is a conflict between two registrations, then for the purpose of sections 5(6), 6 and 7 of the Act and for the purposes of these Regulations each shall be treated as an objection to the other, and each of those objections shall—

- (a) be deemed to have been made at the date of the later of the two registrations, and
- (b) where one of the registrations is cancelled, be deemed to have been withdrawn at the date of the cancellation.

(2) References in these Regulations to a dispute occasioned by an objection do not include references to a dispute occasioned by a registration which is treated as an objection by virtue of paragraph (1) above.

*Reference to Commissioner*

8. A matter may be referred to a Commissioner by lodging with the Clerk a notice of reference in Form 36 or 37, as the case may require.

*Documents to accompany reference*

9.—(1) Where a registration authority refers a dispute to a Commissioner the authority shall send to the Clerk a certified copy of each of the following documents :—

- (a) the application (if any) for the disputed registration ;
- (b) the register unit containing the disputed registration, an extract from

the register map showing the land comprised therein, and any supplemental map referred to in the registration ;

- (c) if the dispute was occasioned by an objection, that objection ;
- (d) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above and contained in another register unit, the application (if any) for that registration, that other register unit, an extract from the register map showing the land comprised therein, and any supplemental map referred to in the last-mentioned registration.

(2) Where a registration authority refers the question of the ownership of any unclaimed land to a Commissioner, the authority shall send to the Clerk a certified copy of the register unit containing the registration of the land and of the part of the register map showing the land comprised in that register unit.

#### *Entry of reference*

**10.** Upon receiving a notice of reference, the Chief Commissioner shall cause the Clerk—

- (a) to enter particulars of the reference in a register of references ;
- (b) to send a copy of the notice to each of the persons mentioned in paragraph (2), (3) or (4) of regulation 14 below, or, as the case may require, to each of the persons mentioned in sub-paragraphs (a) and (b) of regulation 15(2) below, and
- (c) to inform those persons and the registration authority of the number of the reference, which shall thereafter constitute the title of the proceedings.

#### *Public notice of unclaimed land reference*

**11.** As soon as possible after a registration authority has referred the question of the ownership of any unclaimed land to a Commissioner, the authority shall display a notice in Form 38 relating to the land, and shall cause the notice to be published in one or more local newspapers circulating in the area in which the land is situated, and shall send copies of the notice to the Charity Commissioners, the Chief Land Registrar, and the Clerk.

#### *Proceedings to be consolidated or heard together*

**12.—(1)** Where by virtue of regulation 7(1) above two registrations are treated as objections to each other, the two disputes so arising shall be heard together unless the Commissioner otherwise orders.

(2) Subject to paragraph (1) above, where more than one notice of reference has been given in respect of the same land, the Commissioner may make an order that all or some of the matters shall be consolidated or heard together.

(3) A Commissioner may make an order for the purposes of this regulation without application in that behalf.

#### *Arrangements for hearing*

**13.—(1)** Where under the Act any matter is referred to a Commissioner, then subject to regulation 31 below (which enables a hearing to be dispensed

with in certain circumstances), the Commissioner shall arrange a hearing for the purpose of inquiring into it, and shall inform the registration authority and any concerned authority of the arrangements made, and of any alteration under paragraph (2) below.

(2) The Commissioner may alter the arrangements for a hearing if it appears to him necessary or desirable to do so to avoid hardship or for other good cause.

*Notice of hearing of dispute*

**14.**—(1) Where a Commissioner has arranged a hearing for the purpose of inquiring into a dispute he shall give at least 28 days' notice of the date, time and place of the hearing or, if a date and time have not been fixed, of the order in which hearings are to be held commencing at a stated date, time and place, to each of the persons entitled to such notice under paragraph (2), (3) or (4) below, as applicable, and shall, at least 10 days before the hearing is due to take place, cause a notice giving particulars of the hearing to be published in one or more local newspapers circulating in the area in which the land the subject of the dispute is situated.

(2) The following persons shall be entitled to notice under paragraph (1) above in the case of a dispute as to the registration of any land as common land or as a town or village green :—

- (a) the person (if any) on whose application the registration was made ;
- (b) any person whose application has been noted in respect of the registration under section 4(4) of the Act ;
- (c) if the dispute was occasioned by an objection, the person who made the objection ;
- (d) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above, the person (if any) on whose application that registration was made and any person whose application has been noted in respect of that registration under section 4(4) of the Act.

(3) The following persons shall be entitled to notice under paragraph (1) above in the case of a dispute as to the registration of any right of common :—

- (a) the person on whose application the registration was made ;
- (b) any person whose application has been noted in respect of the registration under General Regulation 9(5) ;
- (c) any person who appears, from an amendment to the register made under section 13 of the Act, to have an interest in the right (whether as originally exercisable or as exercisable over any substituted land) ;
- (d) if the dispute was occasioned by an objection, the person who made the objection ;
- (e) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above, the person on whose application that registration was made and any person whose application has been noted in respect of that registration under General Regulation 9(5).

(4) The following persons shall be entitled to notice under paragraph (1) above in the case of a dispute as to the registration of a person as the owner of any land :—

- (a) the person registered as the owner of the land ;

- (b) any person registered under section 13 of the Act as the owner of any substituted land in relation to which any of the land to which the registration applies is the taken land ;
- (c) if the dispute was occasioned by an objection, the person who made the objection ;
- (d) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above, the person registered as owner under that registration.

(5) Where, after the provisions of paragraph (1) above have been complied with in relation to a hearing, the Commissioner alters the arrangements for the hearing, he shall give notice of the alteration to the persons to whom notice of the hearing was given under that paragraph and cause notice thereof to be published as mentioned in that paragraph.

(6) The periods of notice for the purposes of paragraph (5) above shall be such periods as may be reasonable in the circumstances : provided that where the date of a hearing has been altered, a period of not less than 28 days for the giving, and not less than 10 days for the publication, of notice shall be sufficient for the purposes of that paragraph.

*Notice of hearing as to ownership of unclaimed land*

**15.**—(1) Where a Commissioner has arranged a hearing for the purpose of inquiring into the question of the ownership of any unclaimed land, he shall give at least 28 days' notice of the date, time and place of the hearing, or if a date and time have not been fixed, of the order in which hearings are to be held commencing at a stated date, time and place, to each of the persons mentioned in paragraph (2) below, and shall at least 10 days before the hearing is due to take place cause a notice giving particulars of the hearing to be published in one or more local newspapers circulating in the area in which the land is situated.

- (2) The persons referred to in paragraph (1) above are the following :—
- (a) every person on whose application any subsisting registration has been made affecting the land ;
  - (b) every person whose application has been noted in respect of any such registration (whether under section 4(4) of the Act or under General Regulation 9(5)) ;
  - (c) any person who has written to the Commissioner claiming to be the owner of any of the land or to have information as to its ownership ;
  - (d) any other person appearing to the Commissioner to be likely to have information relevant to the question of the ownership of the land.

(3) Where, after the provisions of paragraph (1) above have been complied with in relation to a hearing, the Commissioner alters the arrangements for the hearing, he shall give notice of the alteration to the persons to whom notice of the hearing was given under that paragraph and cause notice thereof to be published as mentioned in that paragraph.

(4) The periods of notice for the purposes of paragraph (3) above shall be such periods as may be reasonable in the circumstances : provided that where the date of a hearing has been altered, a period of not less than 28 days for the giving, and not less than 10 days for the publication, of notice shall be sufficient for the purposes of that paragraph.



*Access to objections*

16. Where a dispute is occasioned by an objection, the registration authority shall afford reasonable facilities for inspecting and taking copies of the objection to all persons whom the registration authority has reasonable grounds for believing are or will be entitled to be heard at the hearing of the dispute.

## PART II

## HEARINGS

*Holding of hearings*

17.—(1) Where a hearing has been arranged pursuant to regulation 13 above the Commissioner shall hold the hearing accordingly.

(2) A Commissioner shall sit in public except when hearing an application for an order or directions of an interlocutory nature.

*Procedure generally*

18. Except as otherwise provided in this Part of these Regulations, the procedure at any hearing shall be such as the Commissioner shall in his discretion determine.

*Persons entitled to be heard*

19.—(1) The following persons shall be entitled to be heard at the hearing of a dispute as to the registration of any land as common land or as a town or village green :—

- (a) the person (if any) on whose application the registration was made ;
- (b) the registration authority and any concerned authority ;
- (c) any person whose application has been noted in respect of the registration under section 4(4) of the Act ;
- (d) if the dispute was occasioned by an objection, the person who made the objection ;
- (e) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above, the person (if any) on whose application that registration was made and any person whose application has been noted in respect of that registration under section 4(4) of the Act.

(2) The following persons shall be entitled to be heard at the hearing of a dispute as to the registration of any right of common :—

- (a) the person on whose application the registration was made ;
- (b) any person whose application has been noted in respect of the registration under General Regulation 9(5) ;
- (c) any person who appears, from an amendment to a register made under section 13 of the Act, to have an interest in the right (whether as originally exercisable or as exercisable over any substituted land) ;
- (d) if the dispute was occasioned by an objection, the person who made the objection ;
- (e) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above, the person on whose application that

- registration was made and any person whose application has been noted in respect of that registration under General Regulation 9(5);
- (f) any person who gives his name and address to the Commissioner at or before the hearing and satisfies the Commissioner that he has succeeded to the interest, or part of the interest, of any of the persons mentioned in sub-paragraphs (a) to (e) above.
- (3) The following persons shall be entitled to be heard at the hearing of a dispute as to the registration of a person as the owner of any land :—
- (a) the person registered as the owner of the land ;
  - (b) any person registered under the Act as the owner of any substituted land in relation to which any of the land to which the registration applies is the taken land ;
  - (c) if the dispute was occasioned by an objection, the person who made the objection ;
  - (d) if the dispute was occasioned by a registration treated as an objection under regulation 7(1) above, the person registered as owner under that registration ;
  - (e) any person who gives his name and address to the Commissioner at or before the hearing and satisfies the Commissioner that he has succeeded to the interest, or part of the interest, of any of the persons mentioned in sub-paragraphs (a) to (d) above.
- (4) The following persons shall be entitled to be heard at a hearing relating to the question of the ownership of any unclaimed land :—
- (a) every person on whose application any subsisting registration has been made affecting the land ;
  - (b) every person whose application has been noted on the register in respect of any such registration (whether under section 4(4) of the Act or under General Regulation 9(5)) ;
  - (c) the registration authority and any concerned authority ;
  - (d) any person to whom notice of the hearing was sent under sub-paragraph (c) or (d) of regulation 15(2) above ;
  - (e) any person who gives his name and address to the Commissioner at or before the hearing and claims to be entitled to be registered as owner of any of the land.

#### *Representation at hearing*

**20.** A person entitled to be heard at any hearing may be represented by counsel or solicitor, or, with the leave of the Commissioner, by any other person.

#### *Default of appearance*

**21.**—(1) A Commissioner may, if he thinks fit, proceed with a hearing in the absence of any person entitled to be heard : provided that, where there has been a hearing under this regulation in the absence of a person entitled to be heard, the Commissioner may, on an application made by that person in accordance with paragraph (2) below, reopen the hearing and set aside any decision on such terms as he thinks fit if he is satisfied that that person had sufficient reason for his absence.

(2) An application by any person under this regulation must be made within 10 days from the date on which notice of the decision was sent to that person.

#### *Evidence*

**22.**—(1) Evidence before a Commissioner may be given orally or, if the persons entitled to be heard consent or the Commissioner so orders, by affidavit, but the Commissioner may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

(2) A Commissioner may require evidence to be given on oath, and for that purpose he shall have power to administer oaths and take affirmations.

(3) The Clerk shall have power to administer oaths and take affirmations for the purpose of affidavits to be used in proceedings before a Commissioner.

#### *Attendance of witnesses*

**23.**—(1) Subject to the following provisions of this regulation, where a witness is required by any person entitled to be heard at a hearing to attend the hearing to give oral evidence or to produce any document in his possession or power, the Commissioner shall upon the application of the person requiring the attendance of the witness issue a summons in accordance with Form 39 or 40, as the case may require, which must be served on the witness by the person requiring his attendance, who must at the same time pay or tender to the witness a sum sufficient to cover his reasonable expenses for travelling to and from, and his attendance at, the hearing, and, where appropriate, of the production of the document.

(2) No person shall be required to give any evidence or to produce any document which he could not be required to give or produce on the trial of an action in the High Court.

(3) No person shall be required to attend to give evidence or to produce any document unless his expenses are paid or tendered to him in accordance with paragraph (1) above.

(4) The Chief Land Registrar shall not be required to produce any document in his custody, but a Commissioner may, upon such application as is mentioned in paragraph (1) above, require any person who is entitled to authorise the production by the Chief Land Registrar of any document to do so, and in such case paragraphs (2) and (3) above shall apply as if that person had been required to produce that document.

(5) At the hearing of a dispute as to the registration of land as common land or a town or village green, or at a hearing relating to the question of the ownership of any unclaimed land, the Commissioner may, if he thinks fit, take evidence from any person present who gives his name and address and volunteers to give evidence.

#### *Expert witnesses*

**24.**—(1) At the hearing of a dispute not more than one expert witness in support of or against the disputed registration shall be heard unless the Commissioner otherwise orders.

(2) An application for leave to call more than one expert witness may be made to the Commissioner at or before the hearing.

*Rights of persons entitled to be heard*

**25.**—(1) A person entitled to be heard at a hearing may give evidence, address the Commissioner, tender documentary evidence and call witnesses and examine them.

(2) At the hearing of a dispute, a person entitled to be heard who supports the disputed registration may cross-examine any person who has given evidence against it, and a person entitled to be heard who is against the disputed registration may cross-examine any person who has given evidence in support of it.

(3) At a hearing relating to the question of the ownership of any unclaimed land, a person entitled to be heard who claims to be the owner of the land may cross-examine any person who has given evidence in support of the claim of any other person to be the owner of the land.

(4) A person who is represented at a hearing may exercise his rights under this paragraph to address the Commissioner and to examine or cross-examine witnesses only by his representative.

*Grounds of objection*

**26.**—(1) Where a dispute is occasioned by an objection, the person who has made the objection shall not, at the hearing of the dispute, be entitled to rely upon any ground not stated in his objection unless the Commissioner thinks it just in all the circumstances to allow him to put forward such additional grounds of objection as appear to the Commissioner to be material.

(2) Where a Commissioner allows any additional ground of objection to be put forward under this regulation he may do so upon such terms, whether as to adjournment or otherwise, as he thinks fit.

*View of land*

**27.** A Commissioner may, if he thinks fit, inspect any land which is the subject of proceedings before him and, so far as may be practicable, any other land to which his attention may be directed. The Commissioner shall give notice, either orally at the hearing or in writing, of his intention to inspect any land to the persons entitled to be heard who have appeared at the hearing, and such persons and their expert witnesses shall be entitled to attend the inspection.

*Preliminary point of law*

**28.**—(1) The Chief Commissioner may, on the application of any person entitled to be heard, order any point of law which appears to be in issue in the proceedings to be disposed of at a preliminary hearing before a Commissioner sitting in public. If, in the opinion of such Commissioner, the decision on the point of law substantially disposes of the proceedings, he may order that the argument shall be treated as the hearing of the case or may make such other order as may seem just.

(2) Regulation 13 above (Arrangements for hearing) and either regulation 14 (Notice of hearing of dispute) or 15 above (Notice of hearing as to ownership of unclaimed land), as appropriate, shall apply for the purpose of hearings under this regulation.

(3) Information given to a registration authority or to a concerned authority under the said regulation 13 as applied by this regulation shall include

a statement that the hearing is a hearing under this regulation, and notices given under the said regulation 14 or 15 as so applied shall include such a statement and an explanation in general terms of the effect of paragraph (1) of this regulation.

*Change of Commissioner*

**29.** Where any proceedings have been begun by or before a Commissioner, but have not been concluded, the Chief Commons Commissioner may direct, or, where the Commissioner has died or become incapacitated or for some other reason is unable to continue with the proceedings, shall direct, that the proceedings be continued by or before such other Commissioner as shall be named in the direction.

PART III

DECISIONS

*Notification of Commissioner's decision*

**30.**—(1) The decision of a Commissioner upon any matter referred to him under the Act shall be given in writing, and (except in the case of a decision by consent under regulation 31 below) shall include a statement of the reasons for the decision and an explanation in general terms of the effect of section 18(1) of the Act (Appeals from Commons Commissioners) and of rules of court made thereunder.

(2) Where a decision is given by consent under regulation 31 below the fact shall be stated in the decision.

(3) As soon as possible after a Commissioner has decided any matter referred to him under the Act, he shall send a copy of the decision—

- (a) to the registration authority ;
- (b) to every person who was entitled to be heard at the hearing with respect to the matter (whether or not he appeared at the hearing) or, where the decision is by consent under regulation 31 below, to every person who consented to its terms under that regulation, and
- (c) where the decision relates to the question of the ownership of any unclaimed land, also to any person who has written to the Commissioner asking to be informed of the decision.

(4) Where a copy of a decision is sent under paragraph (3) above to a person entitled to make an application under regulation 21 above (Default of appearance) the copy shall be accompanied by an explanation in general terms of the effect of that regulation.

*Decisions by consent*

**31.** Where all the persons entitled to be heard at the hearing of a dispute have agreed upon the terms of the decision to be given by the Commissioner, particulars of the terms, signed by or on behalf of all those persons, may be sent to the Clerk, and the Commissioner may, if he thinks fit, give a decision in accordance with those terms without a hearing : provided that, where the dispute concerns the registration of a right of common or of a person as the owner of any land, the Commissioner shall not give a decision under this regulation unless he is satisfied either—

- 
- (a) that there is no person who, if a hearing were held, would be entitled to be heard upon giving his name and address to the Commissioner and satisfying the Commissioner that he had succeeded to the interest, or part of the interest, of any other person, or
- (b) that every person who would be so entitled has consented in writing to the proposed terms.

*Notification of final disposal of disputed registration*

**32.** When a disputed registration has become final (with or without modifications) or has become void, the Commissioner shall inform the registration authority of the fact by means of a notice in Form 41, and shall send a copy of the notice to every concerned authority and to every person to whom a copy of any decision about that registration was sent under regulation 30 above.

*Clerical errors*

**33.** A Commissioner shall have power to correct, in any document prepared by him or under his authority in pursuance of any provision of the Act or these Regulations, any clerical mistake or error arising from any accidental slip or omission.

SCHEDULE

Regulation 2

FORMS

**FORM 36**

*Notice of Reference (Dispute)*

COMMONS REGISTRATION ACT 1965

*For official use*

NOTICE OF REFERENCE (DISPUTE)

Reference No.

The (*name of registration authority*) hereby refers to a Commons Commissioner the dispute as to the registration at Entry No.                    in the section of Register Unit No.                    in the Register of                    occasioned by (Objection No.                    made by                    and noted in the Register on                    19                    ) (the conflicting registration at Entry No.                    in the                    section of Register Unit No.                    in the Register of                    )<sup>1</sup>

Dated                    197

*(Signature on behalf of registration authority)*

Note: All disputes relating to one register unit should be referred simultaneously. Where there is a conflict between two registrations, the two disputes arising from the conflict should be referred together.

<sup>1</sup> Adapt as necessary.

**FORM 37***Notice of Reference (Unclaimed Land)*

COMMONS REGISTRATION ACT 1965

*For official use*

NOTICE OF REFERENCE (UNCLAIMED LAND)

Reference No.

The (*name of registration authority*) hereby refers to a Commons Commissioner the question of the ownership of the (common land) (town or village green)<sup>1</sup> briefly described below.

Dated

197

*(Signature on behalf of  
registration authority)*

**PARTICULARS OF THE LAND**

*(The register unit number should be quoted, and a brief description of the land given. If only part of the land comprised in the register unit is affected the fact should be mentioned.)*

<sup>1</sup> Adapt as necessary.



**FORM 38**

*Public Notice of Unclaimed Land Reference*

*(Name of registration authority)*

**COMMONS REGISTRATION ACT 1965  
OWNERSHIP OF UNCLAIMED LAND**

THE question of the ownership of the (common land) (and) (town or village green(s))<sup>1</sup> briefly described below (of which fuller particulars may be obtained by inspection of the Register(s) of (Common Land) (and) (Town or Village Greens)<sup>1</sup> kept at *(address)* has been referred for decision to a Commons Commissioner, who will arrange a hearing in public. Any person claiming to be the freehold owner of any of this land, or to have information as to its ownership, is requested to write to "The Clerk to the Commons Commissioners, *(address)*", before.....<sup>2</sup> quoting the particulars of the land and the reference number given in this notice, when he will be informed of the arrangements made for the hearing. Whatever decision is reached as to the ownership of this land, its legal status as registered (common land) (town or village green)<sup>1</sup> will not be affected.

Dated 197

*(Signature on behalf of  
registration authority)*

**PARTICULARS OF THE LAND**

*(The register unit number and the reference number should be quoted, and a brief description of the land given. If only part of the land comprised in the register unit is affected the fact should be mentioned.)*

<sup>1</sup> Adapt as necessary.

<sup>2</sup> Insert a date not less than 21 days after the publication of the notice in a local newspaper.

**FORM 39**

*Witness Summons to give Oral Evidence*

COMMONS REGISTRATION ACT 1965

Reference No.

In the Matter of *(short particulars of the land  
the subject of the registration)*

To *(the names of one or more witnesses may be inserted)*

You are hereby summoned to attend before a Commons Commissioner at  
on day, the day of 197 ,  
at o'clock in the noon, and so from day to day until the above  
proceedings are heard, to give evidence on behalf of  
upon a sum sufficient to cover your reasonable expenses for travelling to and  
from, and your attendance at, the hearing being paid or tendered to you.

Dated

197

(L.S.)

Commons Commissioner

**FORM 40***Witness Summons to produce Documents*

COMMONS REGISTRATION ACT 1965

Reference No.

In the Matter of *(short particulars of the land  
the subject of the registration)*

To

You are hereby summoned to attend before a Commons Commissioner at \_\_\_\_\_ on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ 197\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, and so from day to day until the above proceedings are heard, to give evidence on behalf of \_\_\_\_\_ and also to bring with you and produce at the aforesaid time and place (*specify document(s) to be produced*) upon a sum sufficient to cover your reasonable expenses for travelling to and from, and your attendance at, the hearing, and of the production of the said document(s), being paid or tendered to you.

Dated

197

(L.S.)

Commons Commissioner

**FORM 41***Notice of Final Disposal of Disputed Registration*

COMMONS REGISTRATION ACT 1965

Reference No.

In the Matter of (*short description of land*)To the (*name of registration authority*)

I HEREBY GIVE YOU NOTICE in pursuance of section 6(2) of the Commons Registration Act 1965 that on the 19 the registration at Entry No. in the Section of Register Unit No. in the Register of maintained by you became (final without modification) (void) (final with the following modification(s):—)<sup>1</sup>

*(Set out modifications if applicable)*

GIVEN under my hand and seal this

19 .

(L.S.)

Commons Commissioner

<sup>1</sup> Delete inappropriate wording.

*Peter Walker,*  
Secretary of State for the Environment.

26th October 1971.

*Peter Thomas,*  
Secretary of State for Wales.

25th October 1971.

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#### EXPLANATORY NOTE

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

The Commons Registration Act 1965 provides that any question as to the ownership of land finally registered under the Act as common land or a town or village green, where no one is registered as owner either under the Act or under the Land Registration Acts 1925 to 1966 (1925 c.21; 1936 c.26; 1966 c.39) is to be referred to one of the Commons Commissioners appointed under the Act. The Act also provides that any dispute arising from an objection to a registration of land, of rights of common or of any person as the owner of land, is to be so referred unless the objection is withdrawn or the registration cancelled before the end of such period as may be prescribed.

Part I of these Regulations prescribes periods for the withdrawal of objections to, or the cancellation of, certain registrations made before 1st July 1968. It also prescribes the notices to be given and other steps to be taken preliminary to references to Commissioners, and provides for the treating of conflicting registrations as objections to each other.

Part II provides for hearings in public to be held by Commissioners in relation to matters referred to them under the Act, and regulates the procedure to be observed.

Part III provides for the manner in which the Commissioners' decisions are to be made known, and for ancillary matters.

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