

19 July 2013

This is number 24 in a series of emails to update you on the implementation of the Commons Act 2006 ('the 2006 Act'). In this update:

- ***Town and village green reform – reduction of the period of grace and regulations on landowner statements to commence on 1 October***

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.

Town and village green reform – reduction of the period of grace and regulations on landowner statements to commence on 1 October

The Growth and Infrastructure Act 2013 makes a number of changes to the law on registering town and village greens under section 15(1) of the Commons Act 2006 in England (in Wales the law remains the same as it was). The exclusion of the right to apply under section 15C and Schedule 1A to the 2006 Act (as inserted by s.16 of the 2013 Act), commenced on 25 April this year.

Section 15 of the 2013 Act inserts sections 15A and 15B into the 2006 Act to introduce, respectively, landowner statements which allow landowners to bring an end to any period of recreational use of land as of right, and the register in which they are to be recorded. Section 13 of the 2013 Act makes several minor amendments to section 31(6) the 1980 Act in order to align that system with landowner statements. The procedure for depositing statements and declarations for both greens and highways purposes is prescribed by the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013. The Regulations provide:

- a single application form for both landowner statements under the 2006 Act (for greens purposes) and under section 31(6) of the Highways Act 1980 (for statements and declarations for highways purposes);
- Commons Registration Authorities with a power to charge a reasonable fee; and
- a requirement for the CRA to serve notice of application through three ways: by email, by publishing a copy on the authority's website and by placing a site notice.

The 2013 Regulations will come into force on 1 October. A copy of the Regulations can be found here: www.legislation.gov.uk/ukxi/2013/1774/contents/made. Please note that all amended guidance documents aimed at applicants will not be published until 1 October to avoid any confusion and wasted effort prior to then.

Section 14 of the 2013 Act amended section 15(3) of the 2006 Act to reduce - from two years to one - the period of grace during which an application can be made following the cessation of as of right use of land. **This change will come into force on 1 October 2013.** All relevant guidance will be amended to reflect this change.