ELIZABETH II

1994 CHAPTER vii

An Act to make provision for the reconstitution and validation of the registers of common land and of town or village greens maintained under the Commons Registration Act 1965 for the County of East Sussex; and for connected purposes. [5th July 1994]

WHEREAS—

(1) Under the Commons Registration Act 1965 (in this Act referred to as "the Act of 1965") the East Sussex County Council (in this Act referred to as "the county council") is the registration authority for its area, subject as mentioned in section 2 (2) of that Act: 1965 c. 64.

(2) In January 1993 the registers of common land and of town or village greens which the county council is required to maintain under the Act of 1965 (in this Act referred to as "the East Sussex registers") were completely destroyed by fire:

(3) The county council has begun to reconstitute the East Sussex registers by collecting evidence from various sources as to the contents of the East Sussex registers:

(4) The county council apprehends that although it will be possible accurately to reconstitute the major part of the East Sussex registers it will not be possible to effect a reconstitution of the East Sussex registers which can be proved to be complete and accurate in every detail:

(5) To avoid uncertainty as to the status of the matters recorded in the East Sussex registers as reconstituted and to enable the county council to comply with its duties under the Act of 1965 it is expedient to make provision with respect to the reconstitution, and for the validation, of the East Sussex registers and to make such other provision for these purposes as are contained in this Act:

(6) The purposes of this Act cannot be achieved without the authority of Parliament:

(7) On the promotion of the Bill for this Act the county council has observed the requirements of section 239 of the Local Government Act 1972: 1972 c. 70.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Citation and commencement.

1. This Act may be cited as the Commons Registration (East Sussex) Act 1994.

Interpretation and general. 1965 c. 64.

2.—(1) In this Act, unless the context otherwise requires—

"the Act of 1965" 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;

"the county council" means the East Sussex County Council;

"the destroyed registers" means the East Sussex registers as destroyed by fire in January 1993;

"the East Sussex registers" means the registers of common land and of town or village greens which the county council is required to maintain under the Act of 1965;

"registration" means registration under section 4 of the Act of 1965 and an entry in the register made in pursuance of section 13 of the Act of 1965.

(2) A reference in any provision of this Act to the proper officer is a reference to the officer appointed by the county council for purposes which include the purpose of that provision.

(3) Except as otherwise provided in this Act, expressions used in this Act and in the Act of 1965, or the regulations made under that Act have the same meaning as in that Act and those regulations.

(4) Notice is duly given by or to the county council to or by any person under this Act if given in accordance with section 231 or, as the case may be, 233 of the Local Government Act 1972.

Reconstitution of East Sussex registers.

3.—(1) As soon as may be after the commencement of this Act the county council shall reconstitute the East Sussex registers by drawing new registers in accordance with subsection (2) below.

(2) The new registers shall be drawn in such manner as to replicate as far as reasonably practicable the contents of the destroyed registers and to incorporate all such amendments, corrections or alterations as shall have been required by or under the Act of 1965 or the Common Land (Rectification of Registers) Act 1989 to be entered into the East Sussex registers since the destruction of the destroyed registers.

1989 c. 18.

(3) Nothing in this Act shall prejudice the power of the county council to note in the new registers any matter authorised to be noted by or under the Act of 1965.

Invitation of requests for notification of new registration.

4.—(1) Not later than one month from the commencement of this Act the county council shall publish, at least once in each of two successive weeks in one or more newspapers circulating in the county of East Sussex an advertisement stating—

(*a*) the general effect of this Act; and

(*b*) that any person who is or may be concerned by any registration in the East Sussex registers may request the county council to give him notice when the new registers have been drawn and to supply him with a copy of them so far as they relate to specified land, stating in his request—

(i) his name and address;

(ii) the land in relation to which he requests notice; and

(iii) if he so desires, the name and address of any other person to whom such notice should be given on his behalf.

(2) The advertisement published under subsection (1) above shall also state the latest date, not less than six months from the commencement of this Act, for the making of a request to the county council as provided by subsection (1) (*b*) above.

(3) Not later than one month from the commencement of this Act the county council shall publish in the London Gazette notice of the commencement of this Act specifying a local newspaper in which the advertisement required by subsection (1) above will be found.

Notification of new registration.

5.—(1) When the new registers have been drawn the county council shall give notice thereof—

(*a*) specifying at least one place in the county of East Sussex where copies of the new registers may be inspected by any person free of charge at all reasonable times during the period of six months from the date of the first publication of the notice; and

(*b*) stating the effect of section 6 (Determination of new registers) of this Act and the latest date for the submission of representations to the county council for the purposes of that section.

(2) Notice under subsection (1) above shall be given—

(*a*) by publishing the notice in a newspaper circulating in the county of East Sussex and, as soon as possible thereafter, in the London Gazette;

(*b*) by sending, not later than the date on which the notice is first published, a copy of the notice to each of the following:—

(i) any concerned authority; and

(ii) any person who has requested notice in accordance with section 4 (Invitation of requests for notification of new registration) of this Act, or any person nominated by such a person pursuant to section 4 (1) (*b*) (iii), at the address for notification stated in the request.

(3) There shall be sent together with any copy of a notice sent pursuant to subsection (2) (*b*) above—

(*a*) in the case of a copy sent to a concerned authority pursuant to sub-paragraph (i), copies of the new registers in so far as they relate to land lying within the area of that authority; and

(*b*) in the case of a copy sent to any person pursuant to sub-paragraph (ii), copies of the new registers in so far as they relate to land specified in the request.

Determination of new registers.

6.—(1) If, within the period of six months from the date of the first publication under section 5 (Notification of new registration) of this Act of notice that the new registers have been drawn, representations are made to the county council that in respect of any matter the new registers do not comply with section 3 (Reconstitution of East Sussex registers) of this Act, the county council shall consider the representations and give to each authority or person by whom any such representations have been made, and to any other person who the county council has reason to believe (whether from information supplied by him or otherwise) has an interest in the matter, an opportunity of being heard by a person appointed by the county council for the purpose, at a time and place notified to them.

(2) The county council shall, after considering any such representations and, if a person is appointed to hear representations, the report of that person, determine whether or not to modify the new registers to take into account those representations.

(3) Upon the determination of any matter under subsection (2) above the county council shall send to each authority and person concerned (including any relevant concerned authority) notice of its determination and, where it has determined to modify the new registers, a copy of the relevant portions of the new registers as modified.

(4) If required by any person, within seven days of the receipt by him of notice under subsection (3) above of any determination of the county council, the county council shall give to him a statement of the grounds upon which that determination is based.

Validity of new registers.

7.—(1) (*a*) Upon the determination by the county council of all matters affecting the new registers under section 6 (Determination of new registers) of this Act, the new registers shall be certified by the proper officer.

(*b*) If, within the period of six months from the date of the first publication under section 5 (Notification of new registration) of this Act of notice of the drawing of the new registers, no such representations as are referred to in subsection (1) of the said section 6 are made to the county council in respect of any matter affecting the new registers, the new registers shall be certified by the proper officer at the expiration of that period.

(*c*) The certification of the new registers under this subsection shall be made by a note in the general parts of the new registers signed by the proper officer.

(2) On the certification by the proper officer of the new registers under subsection (1) above, then—

(*a*) the new registers shall become and be the registers of common land and of town or village greens for the registration area of the county council; and

(*b*) the destroyed registers shall cease to have effect.

(3) Nothing in this Act shall give a registration or other entry in the new registers any greater validity than it would have had if—

(*a*) it had appeared in substantially the same form in the destroyed registers; and

(*b*) the destroyed registers had been drawn in accordance with the statutory requirements made by or under the Act of 1965; and

(*c*) this Act had not passed.

Official searches before certification.

8. Until certification by the proper officer of the new registers under section 7 (Validity of new registers) of this Act each certificate setting forth the results of a search in the East Sussex registers shall be indorsed with words substantially to the following effect:—

"The East Sussex registers have been destroyed by fire. This certificate is based on reconstituted registers not yet validated under the Commons Registration (East Sussex) Act 1994.".

PRINTED IN ENGLAND BY PAUL FREEMAN
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Queen's Printer of Acts of Parliament