

COMMONS REGISTRATION ACT 1965

Commons Registration Fees and Charges

“**Fees for Searches etc**” were originally set out in Regulation 34 in Part VI of the Commons Registration (General) Regulations 1966. [SI 1966 No. 1471]

34. – (1) *The fees payable for searches and official certificates of search, and for certified copies and extracts, shall be those specified in Schedule 3 to these regulations.*
(2) *All fees payable by virtue of this regulation shall be paid in advance.*

The commons search fee in 1966 was 7s 6d whilst the fee for copies of any entry in the register including an extract from a map was described as:

“Such reasonable fee as the registration authority may fix according to the time and labour involved.”

The statutory fee for a commons search certificate has been increased over the years, most recently in 2003 by the Commons Registration (General) (Amendment) (Wales) Regulations 2003. [SI 2003 No. 994 (W.143)]

The wording used re fees in the Notes Section of a CR Form 21 was:

FEES

(All fees must be prepaid)

Official search and certificate £14.00

Further charge in respect of each additional parcel of land included in the requisition £1.00 (subject to a maximum additional fee of £20)

Certified copy of an entry in a register, or a certified copy of or extract from any register map

Such reasonable fee as the registration authority may fix according to the time and labour involved.

CHANGES TO THE COMMONS REGISTRATION SERVICE

- The statutory commons search - CR Form 21, was repealed in England and Wales, on the 1st October 2007.
- On the 1st August 2007; a new commons search question (Q22) was included in the Local Authority Search Enquiry Form – CON 29(O); the Land Charges Department is responsible for setting the fee.
- The Commons Act 2006 is gradually replacing the Commons Registration Act 1965 so that when Part 1 of the 2006 Act is fully implemented in Wales, the 1965 Act and associated Regulations will be repealed.
- Conditions requiring the payment of a fee for providing official copies are set out in Section 21 (3) of the Commons Act 2006.

THE COMMONS ACT 2006 – Section 21 Official Copies

21 Official copies

(1) An official copy of, or of any part of—

- (a) a register of common land or town or village greens,*
- (b) any document kept by a commons registration authority which is referred to in such a register, or*
- (c) any other document kept by a commons registration authority which relates to an application made at any time in relation to such a register, is admissible in evidence to the same extent as the original.*

(2) Regulations may make provision for the issue of official copies and may in particular make provision about—

- (a) the form of official copies;*
- (b) who may issue official copies;*
- (c) applications for official copies;*
- (d) the conditions to be met by applicants for official copies.*

(3) Conditions under subsection (2)(d) may include conditions requiring the payment of a fee (which may be a fee determined by a commons registration authority).

This section of the 2006 Act has not been implemented yet in Wales and, until the regulations have been made the Commons Registration service will continue to impose the charges set out in the:

“Commons Registration - Scale of Charges” – copy enclosed

These charges were published in their current format in 1999 when Commons Registration was part of the Estates and Valuation section of the Highways, Transport and Property Directorate. The charges were revised when Commons Registration became part of the Economic and Community Directorate in 2002 and again during 2006-07 and 2009-10.

For the avoidance of doubt, copies of the Charges Sheet are posted on the wall next to the Commons Registers.

The Registers of Common Land and of Town or Village Greens are open for public inspection, free of charge, at the Gwalia Offices of Powys County Council during normal office hours.

Section 50(1) of the Copyright, Designs & Patents Act 1988 provides for members of the public to also ‘make copies’ of the register without any infringement of copyright. i.e. by using a public photocopying machine, a camera, tracing paper or by transcription.

Jenny Griffiths
Swyddog Cofestru Tir Comin
Commons Registration Officer

28th March 2011