

PALLANT

C H A M B E R S

REGISTRATION OF TOWN OR VILLAGE GREENS - FROM APPLICATION TO DETERMINATION

Training webinar for County Council Officers delivered via MS Teams on the 20th January 2021

15 virtual attendees from registration authorities in the south east of England

Introduction, Aims and Objectives

The aim of the seminar was to provide a general overview and legal update with regard to the process of applying for the registration of land as a Town or Village Green under the Commons Act 2006, (the 2006 Act), and the determination of such applications. The overview was intended for those new to the subject who may be less familiar with the issues and complexity of the legal principles in this area, although the legal update may also have been useful for more experienced professionals. With this in mind, particular emphasis was given to the impact of more recent case law concerning trigger events under section 15A of the 2006 Act and the issues surrounding the effect of statutory incompatibility.

The end of the session included a very brief look at some of the issues concerning section 38 of the 2006 Act with regard to works on registered common land and at deregistration of TVG's and exchange land.

Topics and Issues

A brief background and history to the 1965 and 2006 Acts

Definition of Common Land

Registration under the 1965 Act

TVGs under the 2006 Act

- Registration
- What is a TVG
- Trigger events and exclusion of the right to apply
- The *Cooper Estates Case*
- The scope, extent and nature of the land claimed
- Significant number of Inhabitants

- Locality of Neighbourhood within a locality
- Indulged as of Right – without permission, force and secrecy.
- Implied permission by reason of byelaws (*Newhaven Case*) and statutory purpose for which land may be held (*Barkass Case*)
- Lawful sports and pastimes
- 20 years use
- Statutory Incompatibility – *Newhaven, Surrey, and Lancashire cases*
- Determining the application – options for the registration authority

Section 38 Applications for works on registered land.

Section 16 Applications for deregistration and exchange land

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