

# Commons Act 2006

## Factsheet 5: Town and Village Greens

### How can new greens be registered?

Anyone can apply to register land as a town or village green under section 15(1) of the Commons Act 2006. Landowners can apply to register their own land as a green under section 15(8). Section 15 applies to the whole of England, except the New Forest, Epping Forest and the Forest of Dean.

### How can I apply?

You can apply to the commons registration authority (e.g. county council), provided the right to apply has not been excluded in relation to the land you wish to register. The registration authority will inform you if the right to apply is excluded (it needs to ask local planning authorities and the Planning Inspectorate). You should also check whether a landowner statement has been made in relation to the land you want to register.

You need to use form 44, unless you live in any of the following areas where you must use form CA9 instead: Blackburn with Darwen, Cornwall, Devon (not Plymouth or Torbay), Cumbria Herefordshire, Hertfordshire, Kent (not Medway), Lancashire (not Blackpool) and North Yorkshire. Both forms contain instructions on how to complete them. You must provide evidence of the nature and extent of use of the land sufficient to satisfy the registration criteria.

### Do I need to provide evidence?

Yes, your application must show that the land has been used by a significant number of local people for recreation 'as of right' (*i.e.* without permission, without force and without secrecy) for at least 20 years.

### As of right

The meaning of 'as of right' is very important because if the land you've used is made available by your local authority under a law then your application will probably fail the 'as of right' test because the use of the land is likely to have been 'by right'.

### When can I apply?

You should apply as soon as possible. If the landowner challenges anyone using the land 'as of right' then you must apply within one year of that challenge. This includes where a landowner statement is submitted to the registration authority. If you own the land you can apply at any time.

For more information please contact:

Defra

Commons, Access and Inland Waterways Team

1D Nobel House

17 Smith Square

London SW1P 3JR

[commons.villagegreens@defra.gsi.gov.uk](mailto:commons.villagegreens@defra.gsi.gov.uk)

[www.gov.uk/town-and-village-greens-how-to-register](http://www.gov.uk/town-and-village-greens-how-to-register)



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### Is there any guidance available?

Yes, the guidance can be found at the website below. However if the land is in any of the areas mentioned overleaf then there is separate guidance, called guidance for applicants, which can be found at: [www.gov.uk/common-land-management-protection-and-registering-to-use#commons-registration](http://www.gov.uk/common-land-management-protection-and-registering-to-use#commons-registration)

### How are registered greens protected?

Town and village greens are protected by:

- Section 12 of the Inclosure Act 1857 against injury or damage and interruption to their use or enjoyment as a place for exercise and recreation. It is a criminal offence to cause injury or damage to village greens.
- Section 29 of the Commons Act 1876 makes encroachment on, or inclosure of, a green, and interference with or occupation of the land, illegal unless it is with the aim of improving the enjoyment of the green.

### What happens if an offence has been committed?

Where an offence has occurred, a prosecution in respect of section 12 of the 1857 Act can be brought by a churchwarden, the owner of the green, or by a parish, town or district council. Any inhabitant of the parish can bring a prosecution under section 29 of the 1876 Act, but you should seek legal advice before doing so.

### How can greens be maintained?

The owner of a green cannot do anything that interferes with the lawful recreational activities of the local inhabitants. Greens in local authority ownership are often managed under the Open Spaces Act 1906 through byelaws or a scheme of regulation under the Commons Act 1899, but the law makes no provision regarding the maintenance of privately owned greens.

### How do I find out more?

Ask your registration authority for information or visit the website below.

For more information please contact:

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Commons, Access and Inland Waterways Team  
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London SW1P 3JR

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