

SL(5)267 – The Town and Village Greens (Landowner Statements) (Wales) (No. 2) Regulations 2018

Background and Purpose

Land may be registered as a town or village green in the circumstances specified in section 15 of the Commons Act 2006 ("the 2006 Act"). A characteristic of each of those circumstances is that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, must have indulged 'as of right' in lawful sports and pastimes on the land in question for a period of at least 20 years.

Section 15A(1) of the 2006 Act permits the owner of such land to deposit with the commons registration authority a statement, the effect of which is to bring to an end any period during which persons have indulged as of right in lawful sports and pastimes on the land to which the statement relates. The statement must be accompanied by a map.

These Regulations make provision in respect of the deposit of statements under section 15A(1) of the 2006 Act and associated matters.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

We welcome the changes made by these Regulations with regard to the privacy and human rights concerns we raised when scrutinising the original Town and Village Greens (Landowner Statements) (Wales) Regulations 2018.

We also welcome the Welsh Government's swift response to the concerns raised. In that respect, we agree that breach of the 21 day rule (i.e. the rule that there must be at least 21 days between the date of laying a negative resolution statutory instrument before the Assembly and the date it comes into force), is justified in this case.

Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

No government response is required.



Legal Advisers
Constitutional and Legislative Affairs Committee
26 October 2018

