



# SearchesUK

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**ProductCard**

## Commons Registration

This is a search to establish whether the land which is being purchased is registered as common land in accordance with the Commons Registration Act 1965.

If the property is in a rural area or if access is gained to it over open land then it may be wise to carry out this search. If land is common then certain members of the local community (though not everyone as is the common misconception) have a right to access it on foot and to use it for purposes such as village fetes, grazing etc., however this does not mean that it can be used for vehicular access.

### Definition of a Town or Village Green

Town or village greens have a similar history to common land, however, they are defined separately under the Commons Registration Act, 1965.

Village greens are usually areas of land within defined settlements of geographical areas which are used for exercise and lawful sports and pastimes by local inhabitants or neighbourhoods within a locality.

Land forming town or village greens may be privately owned, though many greens are owned and maintained by local parish or community councils. Some greens may also have rights of common, such as grazing rights over them.

### Development or fencing off

These are prohibited on common land under Section 38 of the Commons Act 2006 and consent is required.

## Key Features

A Commons Registration Search will reveal whether the property or land being purchased is listed on the register. The register details the extents, rights and ownership in relation to areas of common land or town or village greens, as registered under the Commons Registration Act 1965. Each area of common land and town or village green is listed in the register under a unique unit number and each unit is divided into three sections.

## Ensure Your Clients Are Protected

There are two parts of the register - the register of common land and the register of town or village greens. If the land itself is revealed to be common land then there is nothing that can be done - it cannot be de-registered - and the situation should be reported to the purchaser and lender. In the unlikely event that the property itself is built on common land then it should not be there and according to the law, the County Council can order it to be removed. If part of the land which is not built upon is common then it should be reported that it is open to access by the public and should not be fenced in. If the access to the property is on common land then the purchaser and lender should be advised that they may only access the property on foot - vehicular rights cannot exist over common land.



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