

TOWN AND VILLAGE GREENS

SOME DEFINITIONS



Halsbury's Laws of England (4th edition):

Other than for the purposes of registration, town and village greens, though frequently referred to in Acts of Parliament, are not the subject of either statutory or judicial definition. They may or may not be subject to rights of common, but the essential characteristic of a town or village green is that by immemorial custom the inhabitants of the town, village, or parish should have acquired the right of playing lawful games thereon and enjoying it for the purposes of recreation. The nature of the enjoyment is a matter for proof in each case, and the custom must be limited to the inhabitants of the parish, manor or other district for which it is claimed.

The Royal Commission on Common Land 1955-1958 Report

A piece of open land in a village on which the inhabitants of the village (or town) have a customary right of playing lawful games and enjoying it for recreation.

The Commons Registration Act 1965

Section 22: "town or village green" means:

- a) land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality (*statutory greens*) or
- b) on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes (*customary greens*) or
- c) on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than twenty years (*prescriptive greens*).

The Countryside and Rights Of Way Act 2000 (section 98):

- 98(a) a significant number of the inhabitants of any locality or neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
- (b) they continue to do so at the time of the application.

The Commons Act 2006 (section 15):

- 15(2) (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
- (b) they continue to do so at the time of the application.
- 15(3) (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
- (b) they ceased to do so before the time of the application but after the commencement of this section; and
- (c) the application is made within the period of ~~two years~~ one year* beginning with the cessation referred to in paragraph(b).

* **The Growth and Infrastructure Act 2013** reduced the period of two years to one year.

- 15(4) This subsection applies (subject to subsection (5)), where
- (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
- (b) they ceased to do so before the time of the commencement of this section; and
- (c) the application is made within the period of five years beginning with the cessation referred to in paragraph(b).

(Applications made under sub paragraph 15(4) therefore had to be made between 19th July 2006 and 19th July 2011)

**Department for the Environment, Food and Rural Affairs (Defra),
Factsheet No. 5, October 2008**

Town and Village greens originate in customary law, where long standing recreational use of land by the local inhabitants came to be recognised and protected by the courts. Greens are areas of land where local people have for many years indulged in lawful sports and pastimes, which might include organised or informal games, fetes, dog walking and similar activities. A green can be in private ownership but many greens are owned or maintained by town and parish councils.