

COMMONS ACT 2006 section 19

The Commons Registration (England) Regulations 2014 No.3038

**Application to correct the register on the basis of a mistake by the Commons
Registration Authority in not registering land at Beeston Regis Common and
Back Common as common land – Sheringham, CL 35/1/58336**

FINAL DECISION

Section 19 of the Commons Act 2006 allows applications to correct certain errors in the registers. Section 19(2) sets out the purposes for which a correction can be made.

Section 19 reads as follows:-

19. Correction

(1) A commons registration authority may amend its register of common land or town or village greens for any purpose referred to in subsection (2).

(2) Those purposes are -

(a) correcting a mistake made by the commons registration authority in making or amending an entry in the register;

(b) correcting any other mistake, where the amendment would not affect –

(i) the extent of any land registered as common land or as a town or village green: or

(ii) what can be done by virtue of a right of common;

(c) removing a duplicate entry from the register;

(d) updating the details of any name or address referred to in an entry;

(e) updating any entry in the register relating to land registered as common land or as a town or village green to take account of accretion or diluvion.

(3) References in this section to a mistake include -

(a) a mistaken omission, and

- (b) an unclear or ambiguous description,*
and it is immaterial for the purposes of this section whether a mistake was made before or after the commencement of this section.
- (4) An amendment may be made by a commons registration authority –*
- (a) on its own initiative; or (NB this power is not yet in force in Norfolk)*
 - (b) on the application of any person.*
- (5) A mistake in a register may not be corrected under this section if the authority considers that, by reason of reliance reasonably placed on the register by any person or for any other reason, it would in all the circumstances be unfair to do so.*
- (6) Regulations may make further provision as to the criteria to be applied in determining an application or proposal under this section.*
- (7) The High Court may order a commons registration authority to amend its register of common land or town or village greens if the High Court is satisfied that –*
- (a) any entry in the register, or any information in an entry, was at any time included in the register as a result of fraud; and*
 - (b) it would be just to amend the register.*

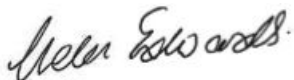
This application was made under Section 19 (4)(b) for the purposes of Section 19 (2)(a) of the Commons Act 2006. Was a mistake made by the Commons Registration Authority (CRA), as stated by Sheringham Town Council (STC) in the application for the correction of the register under section 19? The answer to that question is that such a mistake was made. The original plan which accompanied application number 99 received by the CRA on 31 May 1967 submitted by The Urban District Council of Sheringham for the registration of Beeston Regis Common and Back Common showed the land that was to be registered edged and shaded green. It can be seen from that plan that the area to be registered as common land included:

- Back Common up to the southern boundaries of nos. 32a, 32b, 33 & 33a Beeston Common, nos. 7 & 8 Curtis Lane and nos. 45 & 46 St Austin's Grove
- Beeston Regis Common to the northern side of the old route of the Cromer Road (A.149).

In the light of this evidence the application submitted by Sheringham Town Council to include the two pieces of land as shown edged red on the plans attached to their application dated 1 October 2018 is granted, with the exception of land outside of number 33 Beeston Common and a triangular parcel land parcel of land measuring 13 square metres at the north-western edge of the northern piece of land to be registered – those parcels of land falling outside of the delineated area on the original application map, dated 25 May 1967. A plan showing the parcels of land hatched blue to be added to the registers of common land for Beeston Regis Common and Back Common, Sheringham, Register Unit CL35, is attached to this decision.

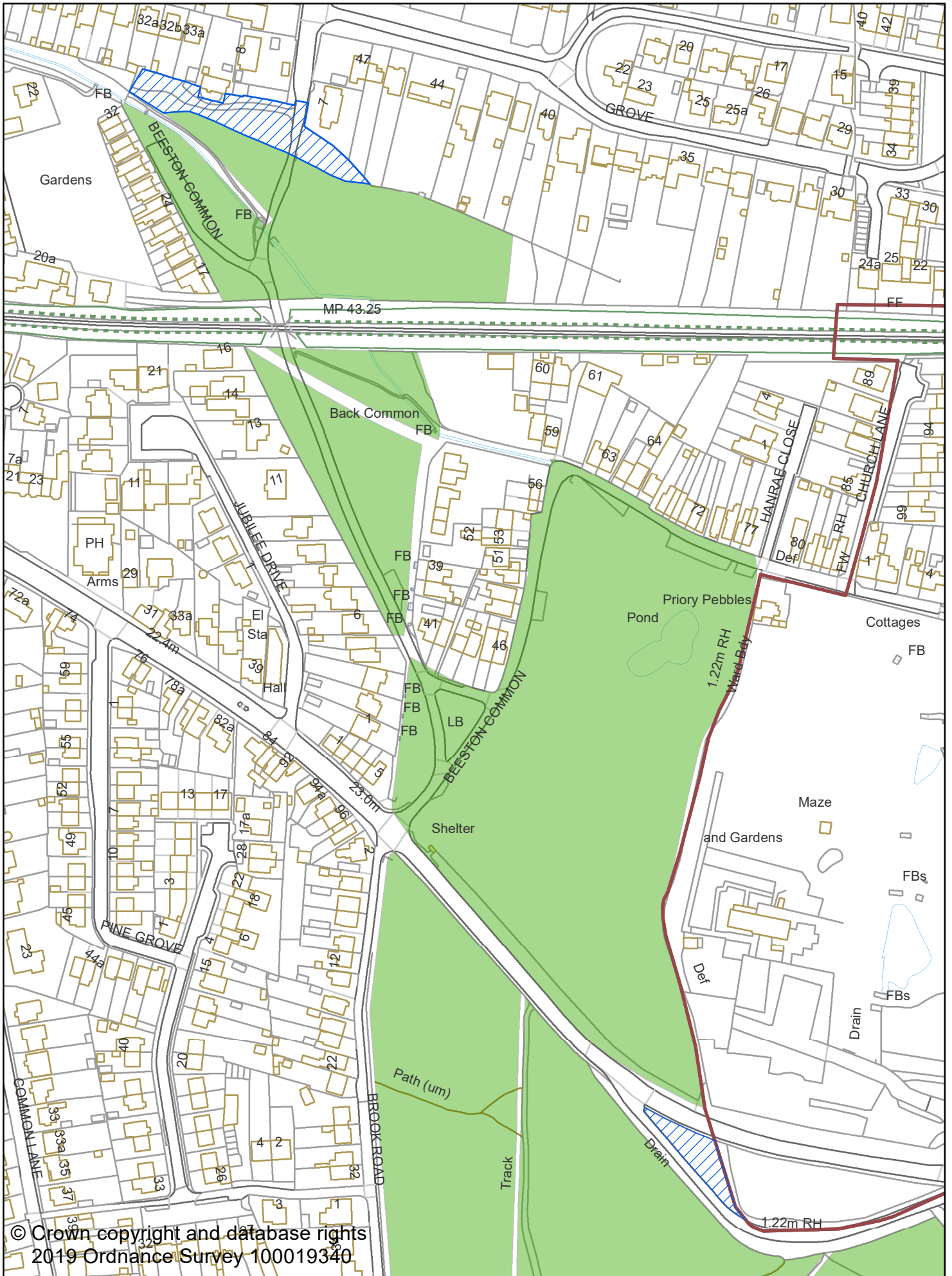
The CRA has not been supplied with cogent evidence that section 19(5) of the Commons Act 2006 applies to this application, on the basis that it has not been shown that the register of common land has been relied upon to the extent that it would be unfair to grant the application. Furthermore, prescriptive rights can be registered over common land as per the House of Lords decision in *Bakewell Management Ltd vs Brandwood and others [2004]*.

Therefore, the application is granted.



Helen Edwards,
Chief Legal Officer
Norfolk County Council

Date...15 July 2020.....”.



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 Norfolk County Council

**Beeston Regis Common and Back Common
 - Sheringham CL35**

Centre of map:
616,468.8336 342,841.5794



Areas of land to be added to the
 Commons Register Section 19(2)(a)
 Commons Act 2006

Date created:
 30/01/2020

Scale:
 1:2,200

