

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 registering land at CL109, Emmanuel's Common, Castle Acre and CL300, Newton Heath and Whinhill Common, Newton-by-Castle Acre, CL109CL300/HP314/72310

DRAFT 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 the applicant in the application for the correction of the register under Section 19? The answer to that question is that such a mistake was made, in part. The original plans which accompanied the applications for registration of Common Land at Castle Acre and Newton-by-Castle Acre received by the CRA on 7th February 1968 and 27th February 1968 respectively showed land to be registered hatched orange and edged red respectively. The applicant has shown that the extent of land formally registered as Common extended beyond the applications made in the 1960s though not to the full extent of their application.

In the light of this evidence the application submitted by the Applicant to remove the pieces of land hatched blue on the plans attached to their application dated 1st June 2021 is granted, in part. Those areas of land not granted as part of this application are marked in red on 'Plan 2' attached to this notice.

A plan showing the parcels of land hatched dark blue to be removed from the registers of common land for CL109 Emmanuel's Common, Castle Acre and CL300 Newton Heath and Whinhill Common is attached to this notice as 'Plan 1'.

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.

The objectors will be offered the opportunity to make oral representations by means of a Hearing. If nothing is raised or produced in that hearing to alter the view of the CRA, then the Decision will be made final.

Katrina Hulatt

Signed...Katrina Hulatt

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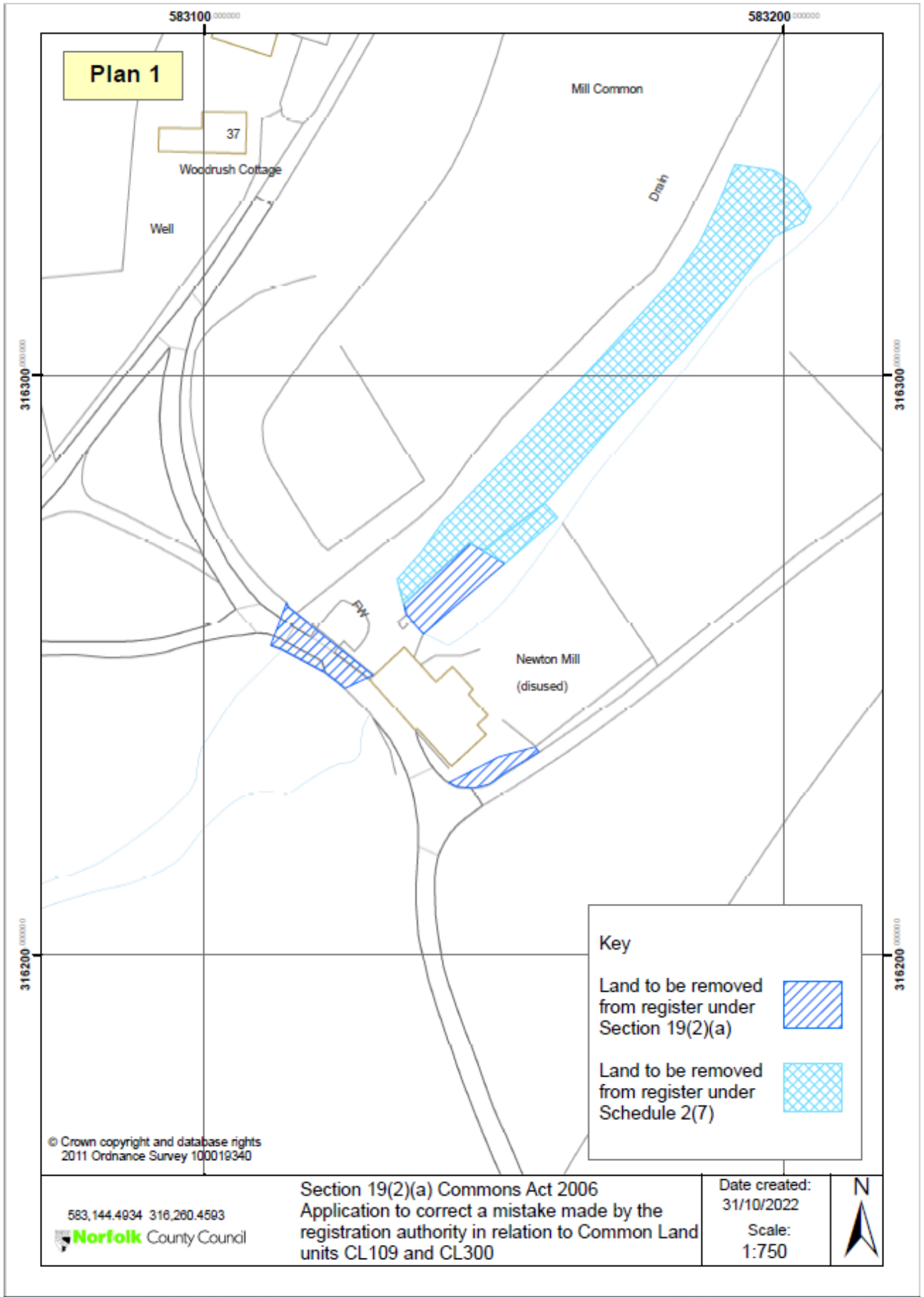
Director Legal Services (nplaw)

and Monitoring Officer

Norfolk County Council

Date.....1st June 2023.....

n.b. The land crosshatched light blue on Plan 1 refers to an application to remove a parcel of common land under Schedule 2(7) of the Commons Act 2006 and a notice in relation to this application shall be issued separately. It will be noted that some land subject to this application (in the most northerly parcel) did not meet the test required in Section 19(2)(a), as per Plan 2, however, it was applied for and considered to meet the requirements set out in Schedule 2(7) hence its blue hatching on the notice.




Plan 1


37
Woodrush Cottage
Well

Mill Common
Drain

Newton Mill
(disused)

Key

Land to be removed from register under Section 19(2)(a) 

Land to be removed from register under Schedule 2(7) 

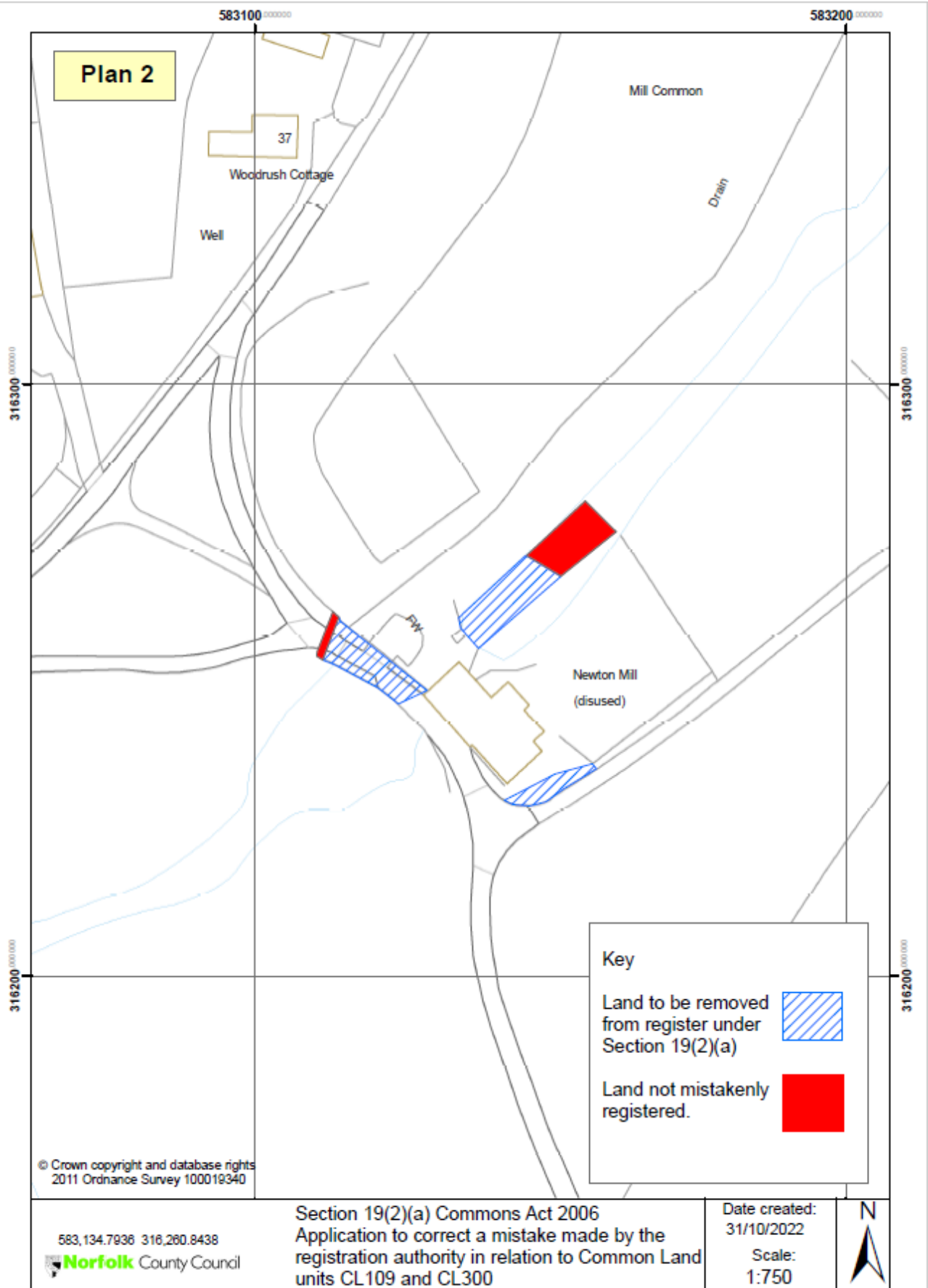
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 Norfolk County Council

Section 19(2)(a) Commons Act 2006
Application to correct a mistake made by the
registration authority in relation to Common Land
units CL109 and CL300

Date created:
31/10/2022
Scale:
1:750





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