

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 and a building at North Cottage, High Common, Swardeston as common land – Swardeston Common, CL 99

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 (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

Taking this test into account, the Commons Registration Authority (CRA) has to be satisfied that the mistake referred to by Mr and Mrs Rockliff was made when the common was first registered. The CRA carried out the prescribed consultations and investigations and found that such a mistake had been made. The original plan which accompanied application numbered 369 (received by the CRA on 29 January 1968) submitted by Mr Ralph Frank Blazey for the registration of the common showed the land to be registered outlined in thick red crayon. It can be seen from that plan that the land on which North Cottage was built was specifically excluded from that outline. North Cottage, the land upon which it was built and a narrow strip of land running alongside the northern wall of the cottage, should not have been included by the CRA in the registration as common land.

In the light of this evidence the CRA has decided to grant the application of Mr and Mrs Rockliff of Willow Lodge, New Lane, Mattishall, Dereham, NR20 3JX dated 23 October 2015. The application, under section 19 of the Commons Act 2006 was to remove North Cottage, the land upon which it was built and a strip of land running along the northern wall of North Cottage (measuring 1.2 by 9.5 metres) from the common land register for Swardeston Common, Unit CL99. A plan, showing the extent of land edged in red to be removed from the register of common land for Swardeston, Unit CL99, is attached.

Victoria McNeill

Victoria McNeill,
Head of Law
Norfolk County Council

Date 22 September 2016

RE FORM CA10 NORTH COTTAGE, HIGH COMMON, SWARDESTON, NORWICH NR14 8DL

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North Cottage
(EDGED RED)



SCALE 1:350 APPROX.

