

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 insufficient land as common in Ringland at
Church Hill Common CL 228**

NOTICE of FINAL DECISION

The application, dated 18 February 2015 was made to Norfolk County Council as the relevant Commons Registration Authority (CRA), on the prescribed form CA 10 under the Commons Act 2006, section 19, on behalf of the Ringland Parish Council by the Clerk, Mr Ian Colman. The application was for the correction of a mistake made by the CRA when it registered land at Church Hill Common as common under unit CL 228 but excluded in that designation a strip of land north of the roadway as hatched in black on the plan attached.

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, was a mistake made by the Commons Registration Authority (CRA), as stated by Mr Colman on behalf of the Parish Council in the application for the correction of the register under section 19? If such a mistake was made are there grounds for stating that section 19(5) applies?

On the balance of probabilities it is likely that a mistake was made by the Commons Registration Authority when transposing the boundary line of the land shown on the original application plan to the commons registration map. This was no doubt due in part to the lack of accuracy on the plan which accompanied the original application for registration in 1968. However, although such a mistake was made, it is not possible to grant the application due to the operation of section 19(5) of the Commons Act 2006. This states that 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.

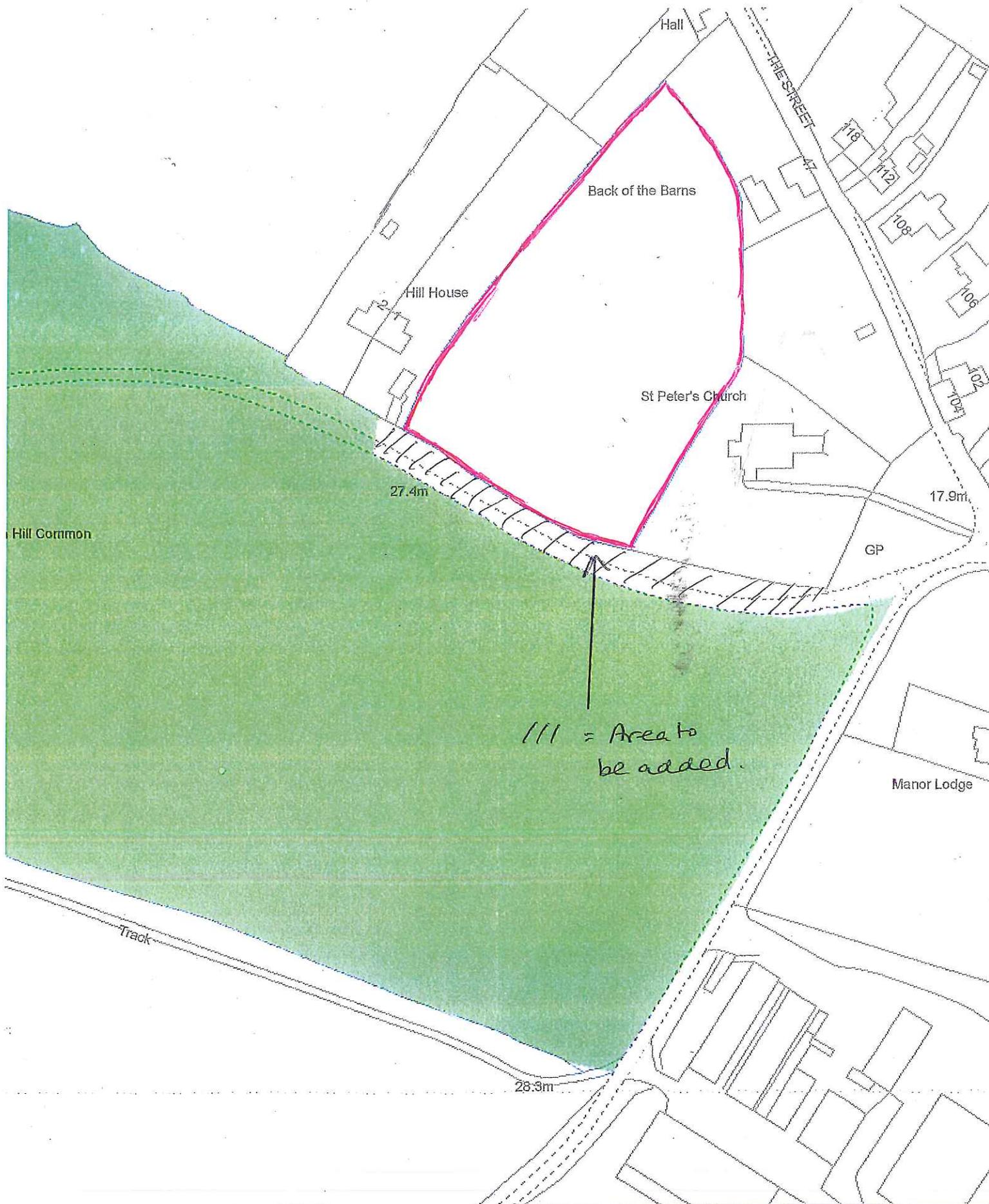
In this particular case it would be unfair to grant the application because of the past clear reliance placed upon the register by Mr Davies and the application is therefore refused.

Victoria McNeill

Victoria McNeill,
Head of Law
Norfolk County Council

Date 7 April 2016

Church Hill Common, Ringland, Application to register additional land as hatched black under section 19 Commons Act 2006



Center of map
613,146.6574 314,029.7093

Date created:
09/02/2015

Scale:
1:1,500

