

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 Dairy Farmhouse, Norwich Road,

Mulbarton as common land – Mulbarton Common, CL 46

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 Clayton 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 small scale Ordnance Survey plan which accompanied application numbered 126 (received by the CRA on 23 August 1967) submitted by Mr Colin George Pye, Secretary of the Mulbarton Common Committee, for the registration of the common showed the land to be registered outlined in red ink. Where the land to be registered as common is shown adjoining the boundary of Dairy Farmhouse, it is shown as a straight, not curved line and does not therefore include any of the front curtilage, unlike the Commons Register Map. In addition, photographic evidence has been submitted from last century which confirms the straight line boundary feature, in the form of a brick wall. To conclude, the front curtilage of Dairy Farmhouse 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 Clayton of Dairy Farmhouse, Norwich Road, Mulbarton dated 4 May 2016 made under the Commons Act 2006 section 19 in respect of the land contained within title number NK385277 which is also registered as common land. The extent of land to be removed from the common land registers for Unit CL46, Mulbarton Common is the front curtilage of Dairy Farmhouse as shown on the attached plan edged and hatched in purple.

Victoria McNeill

Victoria McNeill,

Head of Law

Norfolk County Council

Date 2 December 2016



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Commons Act 2006 section 19 application for the correction
 of the Common Land registers for Mulbarton CL46
 Dairy Farmhouse. Land to be removed from the registers edged and
 hatched in purple

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