

CUMBRIA COUNTY COUNCIL
COMMONS ACT 2006 – SCHEDULE 3
NOTICE OF TRANSITIONAL PERIOD FOR THE AMENDMENT OF THE REGISTERS OF COMMON LAND AND VILLAGE GREENS

Cumbria County Council is the Registration Authority responsible for maintaining the Registers of Common Land and Town or Village Greens in the county.

Under the Commons Registration Act 1965, all areas of Common Land and Town or Village Greens were required to be formally recorded on the Registers of Common Land and Town or Village Greens. However, there was no duty on the Registration Authority to keep the registers up-to-date to reflect changes that may have taken place.

The Commons Act 2006 (Schedule 3) and the Commons Registration (England) Regulations 2014 (Part 4) make provision for updating the Registers during a transitional period to reflect qualifying events that have taken place since 1970. The purpose of the transitional period is to help ensure that the Registers of Common Land and Town or Village Greens become accurate and reliable records, thus aiding the improved management of Common Land and Town or Village Greens.

In accordance with the Commons Act 2006, Schedule 3, paragraph 2(2) the following qualifying events that have taken place between 2 January 1970 and 14 December 2014 may be registered during the transitional period:

- (i) The creation of a right of common;
- (ii) Any relevant disposition (such as surrender, variation, apportionment, severance or transfer) in relation to a right of common registered under the Commons Registration Act 1965, or any extinguishment of such right;
- (iii) A disposition by virtue of any relevant instrument in relation to land which at the time of the disposition was registered as Common Land or a Town or Village Green. (i.e. any Order, deed or other instrument made under or pursuant to the Acquisition of Land Act 1981; a conveyance made for the purposes of section 13 of the New Parishes Measure 1943 (No. 1); any other instrument made under or pursuant to any enactment).

The transitional period will begin in the county of Cumbria on 15 December 2014 and end on 14 December 2018. **The transitional application period**, during which applications for registration of qualifying events will be processed free of charge, will begin on 15 December 2014 and end on 14 December 2017, thus allowing a further year for the Registration Authority to process all applications and make requisite modifications to the registers.

Failure to register any qualifying events may result in:

- (i) a fee becoming payable for any application made after the end of the transitional application period;
- (ii) refusal to register a qualifying event pursuant to an application made after the end of the transitional application period, if it would be unfair to grant the application by reason of any reliance placed on the registers since the end of that period; and
- (iii) the extinguishment of any unregistered rights of common, or the revival of any rights previously surrendered or extinguished.

Applications to amend the registers must be made on the appropriate application form available from the address below, or from the Commons Registration pages of the council's website: www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service.

Guidance Notes to applicants are available from gov.uk website:

www.gov.uk/common-land-management-protection-and-registering-to-use#commons-registration

The Registers of Common Land and Town or Village Greens are available for public inspection **by appointment only** at the address below.

Commons Registration Service

Lady Gillford's House

Petteril Bank Road

Carlisle

CA1 3AJ

Tel. 01228 221026 / 01228 221028 / 01228 226168

Email: commons.registration@cumbria.gov.uk