

Commons Act 2006

Section 19 (2) (a)

Application to correct the register – mistake made by the registration authority.

NOTICE OF DETERMINATION

Application Numbers: CA10/31 & CA10/32

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority (“the CRA”), has at a meeting of its Development Control and Regulation Committee (“the Committee”) on the 5th April 2019, considered an application to correct an apparent mistake in the register made in 2012.

The applicant claims that a mistake was made when apportioning common rights relating to register unit CL68, Birkby Fell, Muncaster, and that mistake can be attributed to the CRA.

Decision

The Committee resolved to accept the applications to correct the register, thereby correcting the apportionment of the common rights to ensure they are apportioned rateably.

Reasons

The Committee took into account a report written by the Commons Registration Officer (“the Officer”). The Officer’s report made a recommendation to the Committee to accept the applications, on the grounds that since Section 9 of the Commons Act 2006 came into effect on the 28th June 2005, any apportionment should be carried out rateably. Furthermore, the Commons Registration (General) Regulations 1966 state that the CRA should only make an amendment to the register if it deemed that an application was well founded.

As Section 9 of the Commons Act 2006 was already in force at the time of the 2012 application, the application itself was not well founded as the apportionment figures suggested were not rateable. The CRA therefore made a mistake by amending the register in line with the figures given in an application that was not well founded.

Outcome

The CRA has given effect to the determination by amending commons register CL68, Birkby Fell, Muncaster, deleting the two entries created in 2012, and replacing them with two new entries showing the common rights apportioned rateably according to the acreage of the land.

Documentation

Minutes of the meeting providing the Committee’s decision, the Officer’s report and a plan of the Application Land are available at:

<http://councilportal.cumbria.gov.uk/ieListMeetings.aspx?CId=124&Year=0>

Signed



Stephen Hall – Assistant Director - Economy and Environment
Dated: 15th April 2019