

Commons Act 2006 - Section 19(2)(a)
NOTICE OF APPLICATION TO CORRECT THE REGISTER

Notice is hereby given that an application has been made by **Thomas Alan Benn** (“the Applicant”) to Cumbria County Council as Commons Registration Authority, under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application relates to common land register unit CL20 Caldbeck Common.

A summary of the effect of the application is as follows:

A corrective application numbered CA10/36 was submitted in 2017 by Mr Anthony Vaux. This application sought to correct apparent, previous errors relating to the common rights registered at entry 101.

These errors stemmed from a Commons Commissioner’s decision dated 26 July 1982 in which the rights at entry 101 were reduced from 330 stints (250 sheep, 12 cattle and 4 ponies) to 308 stints, and this was subsequently noted in the register. However, a conveyance dated 16 October 1987 transferred the rights for 250 sheep and 12 cattle to C.W. Benn; whilst a conveyance dated 15 December 1987 transferred the 4 pony rights to Mr and Mrs Fearn, effectively ignoring the previous Commons Commissioner’s decision to reduce the quantity of stints. An application made on 14 August 2004 by Thomas Alan Benn resulted in the entire right of 308 stints being transferred and recorded at entry 281. Application CA10/36 claimed that this application only concerned the 250 sheep and 12 cattle rights (298 stints), and also did not take into account the reduction in the rights due to the previous Commons Commissioners decision.

The 2017 application was accepted by the Commons Registration Authority and the register was amended accordingly. In line with the 2017 application the 308 units were reduced to 298 units, and both parts of the right, those transferred on 16 October 1987, and those transferred on 15 December 1987, were reduced proportionally to reflect the Commons Commissioner’s decision. The registration authority therefore amended the register, creating two new entries (entries 417 and 418), one reducing the stints in the name of Thomas Alan Benn from 308 to 278.13, and creating a new entry to show the remaining 29.87 stints.

The Applicant does not dispute the mathematical error in which 308 units were registered in his name in 2004 (as opposed to 298 units), but the Applicant does dispute the effect of the two 1987 conveyances which effectively ignored the 1982 Commons Commissioner’s decision. The Applicant claims that, legally, 298 units were transferred on 16 October 1987, and therefore by the time of the 15 December 1987 transfer the transferor did not have 32 units left to transfer – he had 10. The Applicant claims that it is not right that the reduction be apportioned between the two parties, as the registration authority did when updating the register as a result of application CA10/36. The Applicant believes that the full reduction should be borne by the second transferee.

The Applicant therefore seeks to amend the register to correct what he believes to be an error made by the registration authority when accepting and processing application CA10/36.

If the application is granted, the registration authority will give effect to the determination by deleting entries 417 and 418 and making two new entries, one showing the Applicant as the owner of 298 stints (as opposed to the current 278.13) and the other showing the original applicant as the owner of 10 stints (as opposed to the current 29.87).

Any person wishing to make representations:

- must quote the Application No. **CA10/45**
- must state the name and postal address of the person making them, and the nature of that person's interest (if any) in any land affected by the application and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Commons Registration Service, Lady Gillford's House, Petteril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: Commons.Registration@cumbria.gov.uk.

Any representations will not be treated as confidential, to determine the application it will be necessary for the Commons Registration Authority to disclose information received to others, which will include the Applicant and may include other local authorities, Government Departments, public bodies, other organisations and members of the public (Data Protection Act 1998). Representations may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of information Act 2000.

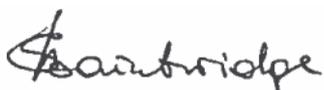
The date on which the period for making representations expires is **5pm on 7th February 2020**

Documents relating to the application are not available online; these are available for inspection at the Commons Registration Service at the above address, strictly by appointment only. Please contact the Commons Registration Team on (01228) 221026 or Commons.Registration@cumbria.gov.uk to arrange an appointment. The documents can also be posted or emailed on request.

The notice and accompanying plan (if any) can be viewed online by accessing Cumbria County Council's website <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>

Signed:

Dated: 20th December 2019



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Svetlana Bainbridge – Commons Registration Officer

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