

## **Decision**

### **Section 19 Commons Act 2006**

### **Application 2923, 2924 & 2925**

### **to correct the register of common land**

#### **Background:**

On 13<sup>th</sup> and 14<sup>th</sup> September 2010 Cornwall Council registered declarations of a partial entitlement to exercise a right of common at entry No's 284 and 285 of register unit CL 124, entry No's 84 and 85 of register unit CL 181, and entry No's 118 and 119 of register unit CL 182. The entries were cross-referenced in column 6, as they related to the same dominant tenement, and following long standard practice by the commons registration authority for Cornwall.

On 9<sup>th</sup> March 2016 Cornwall Council received three applications made on Form CA10 seeking to correct the entries by removal of the cross-referencing.

#### **Legislative requirements:**

#### **Paragraph 11 of Schedule 4 of the Commons Registration (England) Regulations 2014:**

(a) a statement of the purpose for which the application is made.

The applications are made under section 19(2)(a) of the Commons Act 2006, to correct a mistake made by the commons registration authority in making or amending an entry in the register.

(b) the number of the register unit and, in so far as is relevant to the mistake or other matter in the register in respect of which the application seeks correction, the number of the rights section entry, in the register of common land or town and village greens to which the application relates.

Entry No's 283, 284 and 285 of register unit CL 124, St. Breward Common and Rough Tow Downs, entry No's 83, 84 and 85 of register unit CL 181 and entry No's 117, 118 and 119 of register unit CL 182, both additional parcels to St. Breward Common and Rough Tow Downs.

- (c) evidence of the mistake or other matter in the register in respect of which the application seeks correction.

The rights entries include cross-referencing to other register units, which is not to be found within the wording of the model entry

- (d) a description of the amendment sought in the register of common land or town and village greens.

To remove the cross-referencing between register unit No's CL 124, CI 181 and CL 182, and return the particulars of the right of common to the model entry.

### **Paragraph 19(5) of the Commons Act 2006**

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 circumstances be unfair to do so.

### **Representations:**

No representations have been received.

### **Decision:**

The applications are found to meet the legislative criteria for correcting mistakes in the register of common land and town and village greens, and it is deemed that the correction will not be unfair to any person who has placed reliance on the register since the original amendment was made in 2010.

The applications are therefore granted.

**Name: Martin Wright**

**Position: Commons and Greens Registration Officer**

**Date: 1<sup>st</sup> August 2016**