

Commons Act 2006
Section 19
Proposal to correct the register

NOTICE OF DETERMINATION

Application Number: CCC/P/8

Background

Please see attached Proposal which outlines the case.

Legislative Requirements

Section 19(2)(a) specifically allows for a commons registration authority to amend its registers of common land to correct a mistake made by the commons registration authority in making or amending an entry in the register.

The Proposal confirms that the particulars of the right of common as described in column 4 of entries 100 and 102 of CL93 and entries 74 and 76 of CL94 have been recorded incorrectly, in so far as this resulted in the loss of part of the right, affecting the overall total.

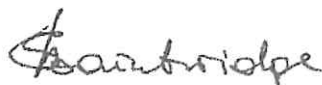
Representations

No official representations were received.

Decision

The Proposal is approved and entry 100 of CL93 and entry 74 of CL94 have been deleted and the right recorded in column 4 as 229.37 sheep and 76.46 hoggs, and entries 102 of CL93 and entry 76 of CL94 have also been deleted and the right recorded in column 4 as 9.42 cattle and 2.83 pigs.

Signed



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Svetlana Bainbridge – Commons Registration Officer

Dated: 27th April 2021

**A Proposal by Cumbria County Council
Section 19 of the Commons Act 2006
Correction of the Register
Apportionment incorrectly calculated**

In accordance with paragraph 18(1) of The Commons Registration (England) Regulations 2014 please find below a statement in writing describing the proposal and the justification behind it.

Description of the proposal:

It has become apparent that an error was made by the Commons Registration Authority when updating the commons registers for CL93 Northern and Eastern Mallerstang Common and CL94 Western Mallerstang Common south of Friths in 2020 to record an apportionment of rights. The error was a mathematical one which resulted in the loss of part of the right, affecting the overall total.

Justification for the proposal:

The Commons Registration Authority believe that correcting this mistake, and therefore ensuring the accuracy of the commons register would be in the public interest, particularly as the remaining rights are likely to be apportioned further.

Official notice of proposal to follow

**A Proposal by Cumbria County Council
Section 19 of the Commons Act 2006
Correction of the Register**

Notice is hereby given that a proposal has been made by **Cumbria County Council** ("the Proposer") as the Commons Registration Authority, under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The proposal relates to register units CL93 Northern and Eastern parts of Mallerstang Common and CL94 Western Mallerstang Common south of Friths.

A summary of the effect of the application is as follows: An application for the amendment of register entries 96 and 95 of CL93 and the corresponding entries 71 and 70 of CL94 to record an apportionment was made on 22nd January 2020 ('the 2020 Application'). The 2020 Application resulted in the apportioned rights of (a) 229.36 ewes with their unweaned lambs and 76.45 hogs or 30.58 cattle or sheep and cattle together on the basis of 1 beast to 10 sheep. (c) 9.17 pigs over the whole of the land comprised in this register unit together with the whole of the land comprised in register unit No. CL94/CL93 being recorded at entry 100 of CL93 and entry 74 of CL94, and the remaining rights of (a) 70.63 ewes with their unweaned lambs and 23.54 hogs or 9.41 cattle or sheep and cattle together on the basis of 1 beast to 10 sheep. (c) 2.82 pigs over the whole of the land comprised in this register unit together with the whole of the land comprised in register unit No. CL94/CL93 being recorded at entry 102 of CL93 and entry 76 of CL94.

The correct apportionment at entry 100 of CL93 and entry 74 of CL94 and should have been recorded as 229.37 sheep and 76.46 hogs. The correct apportionment at entry 102 of CL93 and entry 76 of CL94 should have been recorded as 9.42 cattle and 2.83 pigs. The Proposer seeks by this proposal to correct that mistake.

If the proposal is granted the Commons Registration Authority will give effect to the determination by deleting current entries 100 and 102 of CL93 and entries 74 and 76 of CL94 (making reference to the new corresponding entries), and making new entries in the registers showing the correct apportionment.

Any person wishing to make representations:

- must quote the Proposal No. **CCC/P/8**
- 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 proposal 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 made will not be treated as confidential. To determine the proposal it will be necessary for the Commons Registration Authority to disclose information received to others, which 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.

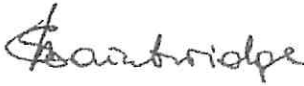
The date on which the period for making representations expires is **5pm on 19th April 2021**.

Cumbria County Council

Documents relating to the application are not available online, although they can be provided on request. Requests should be sent directly to The Commons Registration Service using the contact details above.

The Notice and accompanying plan can also be viewed by accessing Cumbria County Council's website, Commons Registration page: <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>

Signed:



Dated: 4th March 2021

Svetlana Bainbridge - Commons Registration Officer

