

Notice of Determination

Section 19(2)(a) of the Commons Act 2006
Correction of a mistake in the register

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 rights of common as described in column 5 of entry 52 of CL127 Kirkland Fell, entry 46 of CL323 Blencarn Fell and entry 46 of CL322 The Rigg, Blencarn of have been recorded incorrectly, in so far as O.S. field number 239 was omitted.

Representations

No official representations were received.

Decision

The Proposal is approved and entry 52 of CL127 Kirkland Fell, entry 46 of CL323 Blencarn Fell and entry 46 of CL322 The Rigg, Blencarn have been deleted and replaced with new entries, with the particulars of the land to which the rights of common are attached now recorded correctly.

Signed:



Dated: 13 June 2023

Svetlana Bainbridge - Commons Registration Officer



Working for Cumberland Council and
Westmorland & Furness Council

**A Proposal by Westmorland & Furness Council
Section 19 of the Commons Act 2006
Correction of the Register
Dominant tenement incorrectly recorded**

In accordance with regulation 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 register units CL127 Kirkland Fell, CL322 The Rigg, Blencarn and CL323 Blencarn Fell in 2020 to record an apportionment of rights of common. Following an apportionment of a dominant tenement, O.S. field no. 239 was mistakenly omitted from column 5 of entries 52, 46 and 46 respectively.

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 rights are to be apportioned further.

Official notice of proposal to follow



Working for Cumberland Council and
Westmorland & Furness Council

Notice of Proposal

Section 19 of the Commons Act 2006 Correction of the Register

Notice is hereby given that a proposal has been made by **Westmorland and Furness 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 CL127 Kirkland Fell, CL322 The Rigg, Blencarn and CL323 Blencarn Fell.

A summary of the effect of the application is as follows: Rights were registered at entry 42 of CL127, entry 43 of CL323 and entry 41 of CL322 and recorded as attached to O.S. Nos. 131, pt230, 286, 284, 265, 239, 210, 209, 207, 205, 246, pt247, 194, 195, 189, 181, pt180, pt179, 178, 177, 176, 183, 174, 190 on the O.S. Map (Edition of 1915).

Pursuant to application CA3/35 made on 11th March 2020 the rights were apportioned and the dominant tenement split. O.S. field no. 239 should have been listed in column 5 of the new entry 52 of CL127, entry 46 of CL323 and entry 46 of CL322, but due to a mistake by the commons registration authority was omitted from those entries.

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 entry 52 of CL127, entry 46 of CL323 and entry 46 of CL322 (making reference to the new corresponding entries) and making new entries in the register to include O.S. field no. 239.

Any person wishing to make representations:

- must quote the Proposal No. **WFC/P/1**
- 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, Petteiril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: commons.registration@westmorlandandfurness.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 8 June 2023.

Documents relating to the proposal are not available online; these are only 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 to arrange an appointment.

The Notice and accompanying plan can also be viewed by accessing the Council's website, Commons Registration page: <https://legacy.westmorlandandfurness.gov.uk/commons/notices>

Signed:



Dated: 27 April 2023

Svetlana Bainbridge - Commons Registration Officer