

Commons Act 2006
Part 1
Section 19 2(a) and Schedule 2, Paragraphs 6 – 9
Commencement date 15 December 2014

Section 19

Section 19(2)(a) states that people can apply to correct a mistake made by the Commons Registration Authority in making or amending an entry in the register. For example, if an error was made by the authority when mapping the boundary of a common during the provisional registration of common land, or if, in amending an entry in the register, the authority erroneously added a zero to the number of rights registered, increasing the number of rights tenfold.

Here is section 19(2) (a):

19 Correction

(1) A commons registration authority may amend its register of common land or town or village greens for any purpose referred to in subsection (2). (2) Those purposes are—
(a) correcting a mistake made by the commons registration authority in making or amending an entry in the register;

Schedule 2, paragraphs 6 to 9

Each of these paragraphs will be fully commenced except the power for the authority to make a proposal. They allow for applications to remove:

- buildings registered as common land (paragraph 6);
- other land wrongly registered as common land (paragraph 7);
- buildings registered as TVG (paragraph 8); and
- other land wrongly registered as TVG (paragraph 9).

Each paragraph prescribes specific criteria that must be satisfied in order for an application to be successful. One of the shared features of these applications is that whilst a mistake was made, it is attributable to someone other than the authority.

Here are paragraphs 6 to 9:-

Buildings registered as common land

6. (1) *If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of common land.*

(2) *This paragraph applies to land where—*

- (a) the land was provisionally registered as common land under section 4 of the 1965 Act;*
- (b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;*

- (c) the provisional registration became final; and*
- (d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.*
- (3) A commons registration authority may only remove land under subparagraph*
 - (1) acting on—*
 - (a) the application of any person made before such date as regulations may specify; or*
 - (b) a proposal made and published by the authority before such date as regulations may specify.*

Other land wrongly registered as common land

- 7.** *(1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove the land from its register of common land.*
- (2) This paragraph applies to land where—*
- (a) the land was provisionally registered as common land under section 4 of the 1965 Act;*
 - (b) the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act;*
 - (c) the provisional registration became final; and*
 - (d) immediately before its provisional registration the land was not any of the following—*
 - (i) land subject to rights of common;*
 - (ii) waste land of a manor;*
 - (iii) a town or village green within the meaning of the 1965 Act as originally enacted; or*
 - (iv) land of a description specified in section 11 of the Inclosure Act 1845 (c. 118).*
- (3) A commons registration authority may only remove land under subparagraph*
- (1) acting on—*
 - (a) the application of any person made before such date as regulations may specify; or*
 - (b) a proposal made and published by the authority before such date as regulations may specify.*

Buildings registered as town or village green

- 8** *(1) If a commons registration authority is satisfied that any land registered as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of town or village greens.*
- (2) This paragraph applies to land where—*
- (a) the land was provisionally registered as a town or village green under section 4 of the 1965 Act;*
 - (b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;*
 - (c) the provisional registration became final; and*
 - (d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.*
- (3) A commons registration authority may only remove land under subparagraph*
- (1) acting on—*
 - (a) the application of any person made before such date as regulations may specify; or*
 - (b) a proposal made and published by the authority before such date as regulations may specify.*

Other land wrongly registered as town or village green

- 9.** *(1) If a commons registration authority is satisfied that any land registered as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, remove the land from its register of town or village greens.*

(2) This paragraph applies to land where—

(a) the land was provisionally registered as a town or village green under section 4 of the 1965 Act;

(b) the provisional registration of the land as a town or village green was not referred to a Commons Commissioner under section 5 of the 1965 Act;

(c) the provisional registration became final; and

(d) immediately before its provisional registration the land was not—

(i) common land within the meaning of that Act; or

(ii) a town or village green.

(3) For the purposes of sub-paragraph (2)(d)(ii), land is to be taken not to have been a town or village green immediately before its provisional registration if (and only if)—

(a) throughout the period of 20 years preceding the date of its provisional registration the land was, by reason of its physical nature, unusable by members of the public for the purposes of lawful sports and pastimes; and

(b) immediately before its provisional registration the land was not, and at the time of the application under this paragraph still is not, allotted by or under any Act for the exercise or recreation of the inhabitants of any locality.

(4) A commons registration authority may only remove land under subparagraph

(1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.