
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 4

Miscellaneous

Determination of applications and proposals to amend the registers

41.—(1) By the end of the transitional period—

(a) the determining authority must determine—

(i) any application for the purposes of paragraph 2 of Schedule 3 to the 2006 Act which was made to the 2014 registration authority during the transitional application period; and

(ii) any proposal by the 2014 registration authority for such purposes; and

(b) the 2014 registration authority must make any amendment to its registers which is required in consequence of a determination pursuant to sub-paragraph (a).

(2) Paragraph (3) applies for the purposes of determining an application or proposal made for the purposes of Schedule 3 to the 2006 Act to amend a register to record the severance of a right of common from land to which it was attached.

(3) A right of common attached to land is not to be treated as having been severed from that land in consequence of a qualifying event, unless the determining authority is satisfied that the severance was lawful and—

(a) there is documentary evidence showing that the parties to the transaction or disposition which is a qualifying event intended the transaction or disposition to have the effect of severing the right of common; or

(b) there is evidence that the right of common has been treated since the qualifying event as having been severed.

(4) Paragraph (5) applies where a determining authority is determining an application made for the purposes of paragraph 4 of Schedule 3 to the 2006 Act, which was made after the end of the transitional period.

(5) Where this paragraph applies, the determining authority may not determine that a register entry should be amended if it considers that, by reason of reliance reasonably placed on the register by a person since the end of the transitional period, it would be unfair to do so.