
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 4

Miscellaneous

Further amendment of registers under Schedule 3 to the 2006 Act

42.—(1) A 2014 registration authority may, subject to regulation 41(5), amend its registers after the end of the transitional period in consequence of a qualifying event, pursuant to an application made before or after the end of that period.

(2) Where, after the end of the transitional period, a right of common is registered in consequence of a qualifying event, paragraph 3 of Schedule 3 to the 2006 Act is to be treated as not having applied to that right of common.

(3) An original registration authority may, subject to paragraphs (4) to (6), amend its registers in consequence of a qualifying event (as described in paragraph 2(2) of Schedule 3 to the 2006 Act) pursuant to an application made to that authority.

(4) For the purposes of determining an application 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, 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.

(5) 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 1st October 2011, it would be unfair to do so.

(6) Where a right of common is registered in consequence of a qualifying event, paragraph 3 of Schedule 3 to the 2006 Act is to be treated as not having applied to that right of common.