
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 4

Miscellaneous

Declaration of entitlement to exercise a right of common

43.—(1) The owner of—

- (a) a freehold estate in land to which a right of common is attached; or
- (b) a leasehold estate in any such land (excluding one that is granted for a term of six months or less from the date of grant),

may apply to amend the relevant entry in the rights section of the register unit relating to all or part of the land over which the right is exercisable, to record a declaration of the applicant's entitlement to exercise the right.

(2) An applicant must provide one of the following with an application under paragraph (1)—

- (a) a copy of the individual register to all or part of the land to which the right is attached, which records the applicant's ownership of an estate referred to in paragraph (1); or
- (b) where the land is not registered in the individual register, other evidence of the applicant's ownership of an estate referred to in paragraph (1).

(3) An applicant must also provide details of—

- (a) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates; and
- (b) where the declaration relates to only part of the land to which the right of common in the register entry is shown as attached, an explanation of how the applicant has calculated the extent to which the right of common is exercisable in relation to the part of the land to which the declaration relates.

(4) On receipt of an application under this regulation, the registration authority must allocate a reference number to it.

(5) Where a declaration is entered in a register pursuant to an application under this regulation, the registration authority must send the applicant a copy of the entry.

(6) If a registration authority believes that an entry made in a register pursuant to an application under this regulation contains a material error, or that the person who made the declaration is no longer the owner of the land to which the right of common is attached, it may, subject to paragraph (7), cancel the declaration.

(7) Before cancelling the declaration the registration authority must—

- (a) serve on the person who made the declaration notice in writing of its intention to do so; and
- (b) consider any representations made by that person within 28 days of being served with the notice.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) In this regulation, “individual register” means the register so named in rule 2 of the Land Registration Rules 2003(1), the contents and arrangement of which are described in rules 3 and 4 of those Rules.

(1) [S.I. 2003/1417](#), to which there are amendments not relevant to these Regulations.