

Commons and Town Greens Sub-Committee

Meeting to be held on 23 September 2014

Electoral Division affected: Longridge with Bowland
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Commons Act 2006

Commons Registration (England) Regulations 2008

Requirement to Amend a Register following the Registration of Ownership of part of CL37 Stanley Common, Bowland-with-Leagram, Clitheroe Rural District under Land Registration Act 2002.

(Appendices 'A' and 'B' and 'C' refer)

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Executive Summary

Notification from the Land Registrar that certain land has been registered under the Land Registration Act 2002 which said land is registered Common Land comprising part of Common Land Unit CL37

Recommendation

That the Ownership Section of the Common Land Register relating to Common land unit CL37 be amended. As there is no ownership noted the amendment shall be by noting the Ownership Section of the Register in accordance with Model Entry 23 - that a specified part of the land has been registered under the Land Registration Act 2002.

Background and Advice

The Commons Act 2006 (the 2006 Act) makes provision for the registration of common land and of town and village greens. Registration Authorities were created to maintain two registers, one for common land and the other for village greens. The County Council is the Registration Authority for the County of Lancashire and has previously delegated powers and functions concerning alteration of the registers to the Commons and Town Greens Sub-Committee.

The 2006 Act makes provision in Schedule 3 for Registration Authorities to amend the ownership section when notified by the Land Registrar that land registered as common land has been registered in the register of title at the Land Registry.

The 2006 Act provides at paragraph 8(3) Schedule 3 for Regulations to provide for the amendment of the ownership section of the registers. The Commons Registration (England) Regulations 2008 provide at Regulation 48(2) that 'if the

ownership of the land is not registered in the ownership section of the register unit, the registration authority must insert a note in the ownership section.' The Regulations provide that the note in the ownership section shall be made in accordance with Model Entry 23.

In this matter no owner is registered for CL37.

The Registration Authority has received a Notification from the Land Registrar of the registration of land under title number LAN118265 shown on the plan attached as Appendix 'A' under the Land Registration Act 2002. The said land includes part of CL37 (see Appendix 'B') lying directly to the south of the line A-B-C on the plan attached at Appendix 'C'.

Registration of land as common land is conclusive as to the land and rights registered, but the 2006 Act provided for amendment of the register in certain cases. One such case is the notification of registration of ownership by the Land Registrar.

A notification has been received and it is advised that the Register should be altered as prescribed to reflect that ownership of part of CL37 is now registered at the Land Registry.

Consultations

None

Implications:

This item has the following implications, as indicated:

Risk management

Consideration has been given to the risk management implications associated with this proposal. The Sub-Committee is advised that, provided the decision is taken in accordance with the advice and guidance given, and is based upon relevant information contained in the report, there are no significant risks associated with the decision making process.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
File 3.693	Various	Lindsay Campy Office of the Chief Executive Ext 33439

Reason for inclusion in Part II, if appropriate – N/A