
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 3

Applications and proposals to amend the Registers

Responsibility for determining applications and proposals

26.—(1) Subject to paragraph (2)—

- (a) an application made in accordance with these Regulations must be determined by the registration authority to which it was made; and
- (b) a registration authority which has made a proposal in accordance with these Regulations must determine whether or not to amend its registers in accordance with the proposal.

(2) In the cases specified in paragraphs (3) and (4), a registration authority must refer to the Planning Inspectorate for determination by it—

- (a) any application made to the registration authority in accordance with these Regulations; and
- (b) any proposal made by the registration authority in accordance with these Regulations.

(3) Those cases are where the registration authority has an interest in the outcome of the application or proposal such that there is unlikely to be confidence in the authority's ability impartially to determine it, or where a person having a legal interest in the land the subject of an application or proposal (or someone acting on behalf of such a person) has made (and not subsequently withdrawn) representations amounting to an objection in respect of the application or proposal, and—

- (a) the application or proposal is made under section 19(4) of the 2006 Act, and seeks—
 - (i) to add land to, or to remove land from, a register; or
 - (ii) to correct an error as to the quantification of rights of common in a register; or
- (b) the application or proposal is made under any of paragraphs 4 to 9 of Schedule 2 to the 2006 Act.

(4) Where a case specified in paragraph (3) qualifies as the primary application within the meaning given by paragraph 3(1) or paragraph 18(1) of Schedule 4, and that application is accompanied by another application made for the purposes of section 8 (apportionment) of the 2006 Act or for the purposes of paragraph 2 or 4 of Schedule 3 to the 2006 Act (to amend a register in consequence of an apportionment), that other application must also be referred to the Planning Inspectorate for determination by it.

(5) When the registration authority refers an application or proposal to the Planning Inspectorate for determination—

- (a) the registration authority must send to the Planning Inspectorate all material in its possession which is relevant to the determination of the application or proposal; and

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- (b) in the case of an application, the Planning Inspectorate may direct the applicant to provide any further information or documents necessary to enable the application to be determined.
- (6) The Planning Inspectorate may specify a time for complying with any direction given under this regulation.
- (7) If the applicant fails to comply with any direction given under this regulation or, where applicable, fails to comply within the time specified, the Planning Inspectorate may treat the application as abandoned.