

NORTH YORKSHIRE COUNCIL

COMMONS ACT 2006 — SECTION 12

Notice of an application to transfer a registered right of common in gross and application for the registration of the transfer in the Commons Register

Application Reference Number: CA6 049

Clapham Common (CL209)

Application has been made to the North Yorkshire Council by F&K under Section 12 of the Commons Act 2006 and in accordance with Schedule 4(6) of the Commons Registration (England) Regulations 2014.

The application, which includes documentary evidence, can be viewed at:

<https://www.northyorks.gov.uk/environment-and-neighbourhoods/land-and-waterways/common-land-and-village-greens/common-land-applications-and-decision-notice>

or you can request a copy by contacting the Commons Registration Officer: -

email: commons.registration@northyorks.gov.uk , telephone: 01609 534753

or write to: North Yorkshire Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

Any person wishing to make a representation regarding this amendment:

- should quote the Application No. CA6 049
- must state the name and postal address of the person making the representation and the nature of that person's interest (if any) in any land affected by the application.
- may include an e-mail address of the person making the representation
- must be signed by the person making the representation
- must state the grounds on which the representation is made
- should send the representation to: Commons Registration Officer, Commons Registration North Yorkshire Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to commons.registration@northyorks.gov.uk on or before 31 January 2024

Representations cannot be treated as confidential, and a copy will be sent to the applicant in accordance with Regulation 25 of the 2014 Regulations. Should the application be referred to the Planning Inspectorate for determination, in accordance with Regulation 26 of the 2014 Regulations, any representations will be forwarded to the Planning Inspectorate.

A summary of the effect of the application (if granted) is as follows: the Registration Authority will amend the register to show that the rights at entry no. 39 have been transferred from James Edward Garth to F&K.

Dated: 12 December 2023

Karl Battersby

Corporate Director – Environment
North Yorkshire Council

Commons Act 2006: section 12**Transfer of a registered right of common in gross
and application for registration of the transfer in the
commons register****This section is for office use only**

Official stamp

COMMONS ACT 2006	
NORTH YORKSHIRE COUNCIL	
COMMONS REGISTRATION AUTHORITY	
DATE:	11 OCT 2023

Application number

CA6 049

Register unit number

CL 209

Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- **This form provides (in Part A) for the transfer of a registered right of common in gross by way of deed and (in Part B) for the application to register such transfer in the register of common land, under section 12 of the Commons Act 2006.** Although there is no requirement that you use a solicitor or other professional adviser to complete the form, please be aware that the commons registration authority can only assist in completion of the clerical aspects of the form. Persons with legal queries should seek advice from a solicitor or other professional adviser before completing the form.
- The transfer of a registered right of common in gross will usually need to be made by deed in order to be effective in law (see section 52(1) of the Law of Property Act 1925). You may use Part A of this form to effect the transfer, but if you do not, you will instead need to attach to your application your own transfer deed, or if a deed is not required, explain why this is the case. For example, if one of the exceptions in section 52(2) of the Law of Property Act 1925 applies e.g. the transfer is effected in an assent by a personal representative. Where the transfer deed in Part A is not being used, you need complete only Part B of this form. The transfer of a right of common in gross does not operate in law until it has been registered in the register of common land by way of an application made using Part B of this form.
- Only the following persons can apply to register a transfer of a right of common in gross for the purposes of section 12: the registered owner of the right of common (the Transferor) or the person into whose possession that right of common will be transferred (the Transferee). Where the application is made by the Transferee, the Transferor must consent to the application.
- You will be required to pay a fee for your application. Ask the registration authority for details. You would have to pay a separate fee should your application be referred to the Planning Inspectorate.

PART A: TRANSFER DEED

Note 1

The Transferor is the registered owner of the right of common in gross described in box 3.

If there is more than one Transferor, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Transferor is a body corporate or an unincorporated association, and the company registration number if applicable.

Note 2

The Transferee is the person to whom the right of common will be transferred.

If there is more than one Transferee (e.g. if the right is to be owned jointly), list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Transferee is a body corporate or an unincorporated association, and the company registration number if applicable.

1. Transferor

Name:

JAMES EDWARD GARTH

Postal address:

Fell Garth (formerly of Birk Knott)
Keasden
Clapham
North Yorkshire

Postcode LA2 8EZ

2. Transferee

Name:

F&K (No. 11921993)

Postal address:

Peakes Farm
Sedgehill
Shaftesbury
Dorset

Postcode SP7 9HQ

Note 3

Enter the description of the right of common in gross as shown in the register of common land or of town or village greens. Insert the relevant register unit number(s) and the rights section entry number for the right in the register. If the right is exercisable over more than one register unit, enter the details of the right in each register unit (use a separate sheet if necessary).

Note 4

This is the operative section of the transfer. Please seek legal advice before completing this form if you are unsure about its effect.

In particular, the title guarantees referred to in this box impose obligations on the Transferor. There are two types of title guarantee, though either may be modified. In providing such guarantees the Transferor gives certain binding promises relating to the transfer. If you have any concerns or queries about the effect of these title guarantees please seek legal advice before completing this form. Insert any modifications to the title guarantees in this box.

In Defra's view it will not be possible to transfer part of a right if that right has not been quantified in the deed of right or the register.

3. Right of Common in gross

Description of the right of common:

To graze:

- (a) 120 sheep; or
- (b) 150 wool sheep; or
- (c) 30 cows; or
- (d) 20 horses being 30 sheep gaits.

Register unit number(s):

CL209

Rights section entry number(s):

Entry 39

4. Transfer of Right of Common in gross

The Transferor transfers the Right of Common in gross described in box 3 of this Deed of Transfer to the Transferee, with full/limited title guarantee (*delete as necessary*).

The Transferor transfers the Right of Common in gross described in box 3 of this Deed of Transfer to the Transferee, with full title guarantee.

Note 5

Insert here any consideration payable and any agreed covenants. Please seek legal advice if you are unsure of the effect of provisions included in this box.

5. Additional provisions relating to the Transfer

The Transferor has received from the Transferee for the Right of Common described in box 3 of this Deed of Transfer the sum of £18,000.00.

Note 6

The Transferor must execute this form as a deed. The Land Registry has issued guidance on the execution of deeds. However, please seek legal advice if you are unsure how to execute.

If there is more than one Transferor all of them must execute. If the Transfer contains covenants or declarations by the Transferee (i.e. which are included in box 5), it must also be executed as a deed by every Transferee.

6. Execution of deed

SIGNED AS A DEED by
JAMES EDWARD GARTH
in the presence of:-



Signature of witness



Name (in BLOCK CAPITALS) MEUSSA EMMA HAIGH
Address BRIDGE MILLS, STRAMONS GATE, WENDON, LA9 4SD

EXECUTED AS A DEED by
F&K acting by a director
in the presence of:-

Signature of witness
Name (in BLOCK CAPITALS)
Address

Note 7

Insert the date of completion of the transfer.

7. Date of Transfer

11 September 2023

Note 5

Insert here any consideration payable and any agreed covenants. Please seek legal advice if you are unsure of the effect of provisions included in this box.

5. Additional provisions relating to the Transfer

The Transferor has received from the Transferee for the Right of Common described in box 3 of this Deed of Transfer the sum of £18,000.00.

Note 6

The Transferor must execute this form as a deed. The Land Registry has issued guidance on the execution of deeds. However, please seek legal advice if you are unsure how to execute.

If there is more than one Transferor all of them must execute. If the Transfer contains covenants or declarations by the Transferee (i.e. which are included in box 5), it must also be executed as a deed by every Transferee.

6. Execution of deed

SIGNED AS A DEED by
JAMES EDWARD GARTH
in the presence of:-

Signature of witness
Name (in BLOCK CAPITALS)
Address

EXECUTED AS A DEED by
F&K acting by a director
in the presence of:-

Signature of witness
Name (in BLOCK CAPITALS) SHARON TURK
Address - STAGLAND HEIGHTS, MEOPHAM GREEN
MEOPHAM
KENT DA13 0QU

Note 7

Insert the date of completion of the transfer.

7. Date of Transfer

11 September 2023

PART B: REGISTRATION

Note 8

Insert name of commons registration authority.

8. Commons Registration Authority

To the:

North Yorkshire ~~County~~ Council Commons Registration Authority

Tick the box to confirm that you have enclosed the appropriate fee for this application:

Note 9

If there is more than one applicant, list all their names and addresses in full. (An application may be made by the registered owner of the right of common in gross (the Transferor) or the person to whom the right is transferred (the Transferee), or both; if there is more than one Transferor or Transferee all the Transferors or the Transferees must apply.) Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association, and the company registration number if applicable. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 10 is not completed all correspondence and notices will be sent to the first named applicant.

9. Name and address of the applicant

Name: F&K

Postal address:

Peakes Farm
Sedgehill
Shaftesbury
Dorset

Telephone number:

Postcode SP7 9HQ

Fax number:

E-mail address:

Note 10

This box should be completed if a representative, for example a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

Note 11

For further details of the requirements of an application, including evidence, refer to paragraph 6 of Schedule 4 to the Commons Registration (England) Regulations 2014.

Note 12

Please tick the relevant box to confirm whether the transfer relates to the full right or only part of it. In Defra's view it will not be possible to transfer part of a right if that right has not been quantified in the deed of right or in the register.

10. Name and address of representative, if any

Name:

Firm:

Postal address:

Telephone number:

Fax number:

E-mail address:

11. Basis of application for registration and qualifying criteria

Tick one of the following boxes to indicate the capacity in which you are applying. Are you the:

Transferor (the registered owner of the right of common in gross to be transferred):

Transferee (the person to whom the right has been transferred):

12. Full or part of the Right of Common in gross

Tick one of the following boxes to indicate whether the transfer relates to the full right or only part of it:

the full right:

part of the right (and if so, please give details below):

Describe below the part of the right that is the subject of this application:

Note 13

Where the Transferee is the applicant, the consent of the Transferor is required (and if more than one, of each of them). List or enter here (all) declaration(s) of consent from the Transferor(s).

Either list the declaration(s) attached to the application, or include in the box any declaration(s) made and signed. Include the full name and address of (the/every) Transferor.

Note 14

Box 14 requires completion only if Part A of the Form is not used.

A transfer of a registered right of common in gross will usually need to be made by deed. If the transfer deed in Part A of this form has not been used, you will need to attach your own transfer deed. In certain circumstances a deed is not required (see section 52(2) of the Law of Property Act 1925 for further details). Please insert details if one of the exceptions in section 52(2) applies, attaching the relevant supporting documentation.

13. Declarations of consent from every Transferor (where the Transferee is the applicant)

I, James Edward Garth of Fell Garth, Keasden, Clapham, North Yorkshire (the Transferor) hereby declare my consent for the transfer of the Right of Common as described in box 3 part A of this application to the Transferee.



James Edward Garth

14. Details of the transfer

Description of the Right of Common in gross transferred, as shown in the common land register:

Please refer to part A.

Date of Transfer

[Empty box for Date of Transfer]

Name and postal address of (every) Transferee:

[Empty box for Name and postal address of (every) Transferee]

Note 15

List all supporting documents which accompany the application. This will include evidence of your capacity to apply and the deed of transfer (if Part A of this form is not used). Use a separate sheet if necessary.

There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed.

15. Supporting documentation

Please refer to part A.

Note 16

List any other matters which should be brought to the attention of the registration authority. Full details should be given here or on a separate sheet if necessary.

16. Any other information relating to the application

None

Note 17

The application must be signed and dated by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association. Please add the date next to the signature.

17. Signature of Applicant(s)

Name(s):

F&K

Signature(s):

EXECUTED AS A DEED by

F&K acting by a director

in the presence of:-

Signature of witness <

Name (in BLOCK CAPITALS) < SHARON TURK

Address < STAGLAND HEIGHTS, MEOPHAM GREEN DA13 9QU

9/10/2023

**REMINDER TO PERSONS COMPLETING THIS FORM**

You are responsible for telling the truth in this form and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.

You are advised to keep a copy of the form and all associated documentation.

Data Protection Act 1998

This form, any supporting information, and any representations made, cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you including this form and accompanying documents to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

This form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.

Register unit No. CL. 209
Edition No.

Register of COMMON LAND

See Overleaf
for Notes

RIGHTS SECTION—Sheet No. 18

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
37 12th July, 1985		In pursuance of Section 6(2) of the Commons Registration Act 1965 in accordance with a Disputed Registration dated 5th July, 1985 made by A. A. Baden Fuller, Commons Commissioner the registrations at Entry Nos. 1 to 10 inclusive, 12 to 28 inclusive, 30, 31, 32, 34 (replacing No. 29) and 36 (replacing No. 11) became <u>Final</u> * without any modification except such as is necessarily consequential on the removal from the Register of the said house buildings and garden detailed at Entry No. 2 in the Land Section of this Register Unit. Ref: 268/D/430-435 *on the 1st July, 1985	Notice of Final Disposal of the registrations at 36 (replacing No. 11) on the removal from the Register of the said house buildings and garden detailed at Entry No. 2 in the Land Section of this Register Unit.	
38 22 September 1993	NY385 6 January 1993	Registration amendment: Entry No 6 above is replaced by Entry No 39 below.		
39 22 September 1993	NY385 6 January 1993	James Edward Garth Birk Knott Keasden Clapham Lancaster	To graze:- (a) 120 sheep or (b) 150 wool sheep or (c) 30 cows or (d) 20 horses being 30 sheep gaits over the whole of the land comprised in this register unit and in register unit CL270. (Registration amendment)	The rights are held in gross.