

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 052

Ickornshaw Moor (CL15)

Application has been made to the North Yorkshire Council by Ezra Gallagher 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 052
- 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 30 May 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. 32 have been transferred from Malcolm Gallagher to Ezra Gallagher.

Dated: 10 April 2024

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

Application number

COMMONS ACT 2006	
NORTH YORKSHIRE COUNCIL	
COMMONS REGISTRATION AUTHORITY	
DATE:	22 MAR 2024

CA6 052

Register unit number

CL15

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:

Postal address:

61 Keighley Road
Cowling
Keighley
North Yorkshire

Postcode

2. Transferee

Name:

Postal address:

Farnhill Ing House
Farning Top
Cowling
Keighley
North Yorkshire

Postcode

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:

Rights of Turbary over the whole of the land comprised in this register unit.

See Note 16 below.

Register unit number(s):

CL15

Rights section entry number(s):

Entry 32

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.

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.

Note 7

Insert the date of completion of the transfer.

5. Additional provisions relating to the Transfer

The Transferee is the nephew of the Transferor and this Right is to be transferred for the nominal consideration of £10.00

6. Execution of deed

SIGNED AS A DEED by
MALCOLM GALLAGHER
in the presence of:

[Redacted Signature]

Signature of witness

[Redacted Signature]

Name (in Block Capitals)
Address:

GLENM ANTHONY WIGHALL
1, LATCOCK FIELDS
COWLING NE KEIGHLEY
BD22 0DH

EXECUTED AS A DEED by
EZRA GALLAGHER
in the presence of:

[Redacted Signature]

Signature of Witness

[Redacted Signature]

Name (in Block Capitals)
Address

ALASDAIR MCEWEN

FARLING TOP FARM,
COWLING,
KEIGHLEY,
WEST YORKS.
BD22 0NW.

7. Date of Transfer

19TH MARCH 2024

PART B: REGISTRATION

Note 8

Insert name of commons registration authority.

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.

8. Commons Registration Authority

To the:

North Yorkshire Council Commons Registration Authority

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

9. Name and address of the applicant

Name:

Ezra Gallagher

Postal address:

Farnhill Ing House
 Farling Top
 Cowling
 Keighley
 North Yorkshire

Telephone number:

Postcode BD22 0NW

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:

Michael Gallagher

Firm:

Secretary, Cowling Gun Club & Conservation Society

Postal address:

Farnhill Ing House
Farling Top
Cowling
Keighley
North Yorkshire

Postcode BD22 0NW

Telephone number:



Fax number

[Empty box for 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:

[Empty box for describing the part of the right]

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

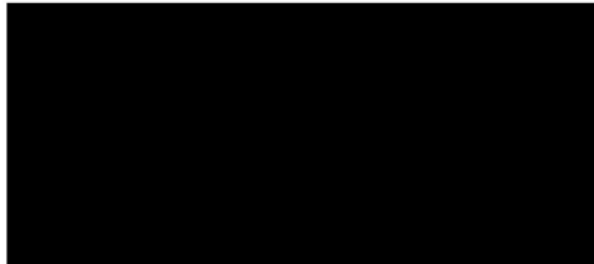
Box 14 requires completion only if Part A of the Form is not used.

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, Malcolm Gallagher of 61 Keighley Road, Cowling, Keighley, BD22 0BX (the Transferor) hereby declare my consent for the transfer of the Right of Common and any other associated claims as described in Box 3 Part A of this application to the Transferee

Malcolm Gallagher



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:

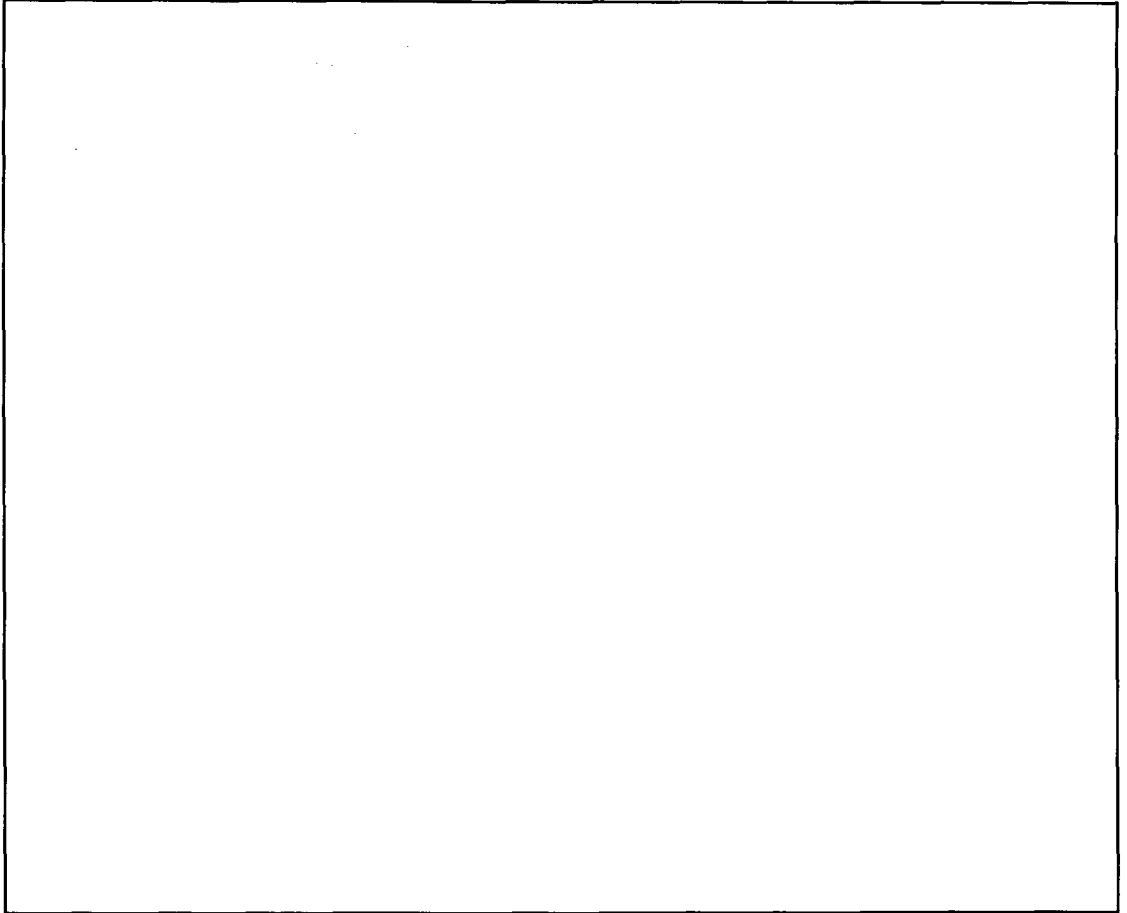
[Empty box for Name and postal address of (every) Transferee]

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

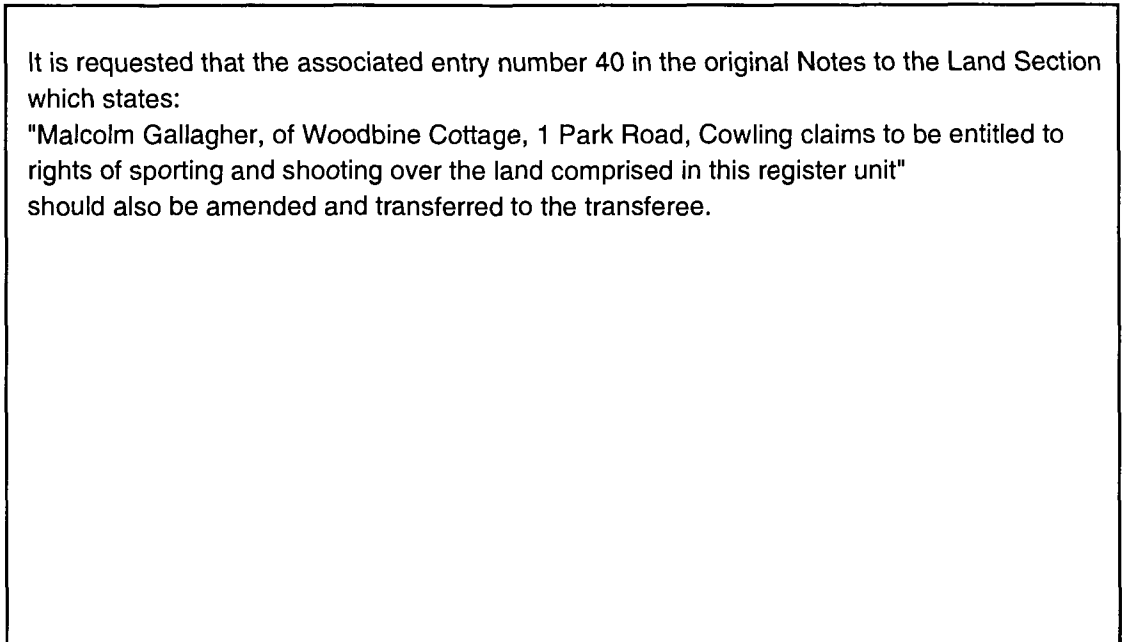


Note 16

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

It is requested that the associated entry number 40 in the original Notes to the Land Section which states:
"Malcolm Gallagher, of Woodbine Cottage, 1 Park Road, Cowling claims to be entitled to rights of sporting and shooting over the land comprised in this register unit"
should also be amended and transferred to the transferee.



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):

Ezra Gallagher

Signature(s):

 19/03/24

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 of
COMMON LAND

LAND SECTION—Sheet No. 1

See Overleaf
for Notes

No. and date of entry	Description of the land, reference to the register map, registration particulars, etc.
1 23rd May 1967 (See Entry No.2 Below)	The tract of land containing 774 acres or thereabouts known as Ickornshaw Moor in the parish of Cowling in the Rural District of Skipton in the West Riding of the County of York as marked with a green verge line inside the boundary on Sheet 7 of the register map and distinguished by the number of this register unit. Registered pursuant to Application No.19 made 20th February 1967 by Cowling Parish Council by E.G. Smith, their Clerk, 32, Folds Lane, Cowling, Keighley, Yorkshire (Registration provisional)
2 21st January 1976	In pursuance of Section 6(2) of the Commons Registration Act 1965 in accordance with a Notice of Final Disposal of Disputed Registration, made by C.A. Settle, Commons Commissioner, dated 4th December 1975, the registration at Entry No. 1 above which was disputed became final on the 1st December 1975 with the following modification: The exclusion of the lands shown on the plans attached to Objection Nos. 12, 32, 35, 44, 45, 46, 47, 48 & 51 and shown indicated on the register map hatched black.

NOTE: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority

WEST RIDING COUNTY COUNCIL.

Register unit No. C.L.15.

Edition No. 1.

Register of COMMON LAND.

See Overleaf
for Notes

RIGHTS SECTION—Sheet No. 8.

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
28 25th January, 1968	161 2nd October, 1967	Clarence Wilkinson, 1 Farling Top, Cowling, (Owner) <i>Keighley BD22 0NW</i>	Rights of turbary over the whole of the land comprised in this register unit. (Registration provisional)	The rights are held in gross.
(See entry No.77... below)				
29 25th January, 1968	162 2nd October 1967	Robert Wilson, 27 Fold Lane, Cowling, NOT KNOWN AT THIS ADDRESS (Owner)	Rights of turbary over the whole of the land comprised in this register unit. (Registration provisional)	The rights are held in gross.
(See entry No.77.30 below)				
30 25th January, 1968	211 6th October 1967	Frank Bracewell, 33 Fold Lane, Cowling, (Owner) NOT KNOWN AT THIS ADDRESS	Rights of turbary over the whole of the land comprised in this register unit. (Registration provisional)	The rights are held in gross.
(See entry No.77... below)				
31 25th January, 1968	222 11th October 1967	Michael Gallagher, Now: Farnhill Ing House Farnhill Top Cowling North Yorkshire BD22 0NW (Owner)	Rights of turbary over the whole of the land comprised in this register unit. (Registration provisional)	The rights are held in gross.
(See entry No.77... below)				
32 25th January, 1968	224 11th October, 1967	Malcolm Gallagher, Now: 61 Keighley Road Cowling North Yorkshire BD22 0BX (Owner)	Rights of turbary over the whole of the land comprised in this register unit. (Registration provisional)	The rights are held in gross.
(See entry No.77... below)				

C.R.

Form 4 COMMONS REGISTRATION ACT 1965

REGISTER OF COMMON LAND

OWNERSHIP SECTION – Sheet No 1

NOTE: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1986, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration Authority
WEST RIDING COUNTY COUNCIL

Register Unit No CL 15
Edition No 3

See Overleaf
for Notes

1. No and date of entry	2. No and date of application	3 Name and address of person registered as owner	4 Particulars of the land to which the registration applies
4 6 December 1980	N/A	The above registration was made in pursuance of Section 9 of the Commons Registration Act 1965 in accordance with a Direction made by LJ Morris Smith, Chief Commons Commissioner, dated 1 December 1980. Ref: 268/U/239.	
Register Amendment: Entry No 1 above is replaced by entry Nos 2 and 3 below.			
2 24 April 1985	N/A	<p>Margaret Joyce Feather Wood Bank Harden BINGLEY</p> <p>-and-</p> <p>Robert Leigh Feather Brook House LEATHLEY Nr Otley</p> <p>Both not living at these addresses anymore.</p> <p>The registration at Entry No. 2 above was made in pursuance of Section 8(2) of the Commons Registration Act 1965 in accordance with the Direction dated 31 March 1985 made by LJ Morris Smith, Commons Commissioner. Ref: 268/U/239.</p>	The part shown edged red on the register map.
3 24 April 1985	N/A	The above registration was made in pursuance of Section 9 of the Commons Registration Act 1965 in accordance with a Direction made by LJ Morris Smith, Commons Commissioner, dated 1 December 1980. Ref: 268/U/239.	The remainder of the land comprised in this register unit with the exception of the part shown edged red on the register map.