

Commons Act 2006: Schedule 1, paragraph 1(1) and (6)(b)**Severance of a registered right of common by transfer to a public body and application for registration of the transferee as owner of the right of common in gross in the register of common land or town and village greens**

This section is for office use only

Official stamp

Application number

Register unit number

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

- **This form provides for the severance of a registered right of common from the land to which it is attached by deed of transfer to a public body (Part A) and the application to register the transferee as the owner of the right of common in gross (Part B) in the register of common land or town or village greens under paragraph 1(6)(b) of Schedule 1 to 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, and persons with legal queries should seek advice from a solicitor or other professional adviser before completing the form.
- A transfer of a registered right of common to a public body under paragraph 1(1) of Schedule 1 to the 2006 Act will usually need to be made by deed to be effective in law (see section 52(1) of the Law of Property Act 1925). You need not use the deed of transfer in Part A of this form, 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). Where the transfer deed in Part A is not being used only Part B of this form needs to be completed. The transfer of a right of common to a public body under paragraph 1(1) of Schedule 1 does not operate at law until the transferee has been registered as owner of the right in gross in the register of common land by way of an application made using Part B of this form.
- 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: DEED OF TRANSFER

Note 1

The Transferor is the owner of the Dominant Land (the land to which the right of common now to be severed and transferred is currently attached). List all relevant names, addresses and company registration numbers if applicable.

Note 2

The Transferee is the body or person to which the severed right of common will be transferred as a right of common in gross.

Note 3

Enter the details of other persons who are a party to the transfer deed, e.g. a commons council (or body to be treated as such) must consent to the transfer. A mortgagee or holder of a relevant charge over the Dominant Land might also wish to be a party to the deed if its consent to the transfer is required.

1. Transferor

Name:

Postal address:

Postcode

2. Transferee

Name:

Postal address:

Postcode

3. Additional parties to the transfer

Name:

Postal address:

Postcode

Note 4

Describe the right of common to be severed and transferred. For example "a right of common to graze 10 sheep". Insert the register unit number(s) and rights section entry number(s) in the register.

Note 5

Describe the land to which the Right of Common to be severed and transferred is currently attached. This is known as the Dominant Land. If the transfer relates to only part of the Right of Common, you must identify that part of the land to which it is attached.

You should give a grid reference or other identifying detail such as the Land Registry title number, or register unit number, to enable the Dominant Land to be located. Please attach an Ordnance map at a scale of at least 1:10,560.

4. Right of Common to be severed and transferred

Description of right of common:

Register unit number(s):

Rights section entry number(s):

5. Dominant Land

Name by which the land is usually known:

Location (postal address, Ordnance Survey grid reference or Land Registry title number):

I confirm that the Dominant Land is shown edged blue on the attached map:

Note 6

This is the operative section of the severance and transfer of the right of common, now transferring it to the Transferee as a right of common in gross. 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 grant. Insert any modifications to the title guarantees in this box.

Note 7

Insert any consideration payable and any agreed covenants, declarations (e.g. consent of a commons council established for the Servient Land, apportionment provisions if transfer is for part of the right of common, consent of the Transferor's chargee) and so on.

Please seek legal advice if you are unsure of the effect of provisions included in this box.

6. Transfer of the Right of Common

The Transferor transfers the right of common described in box 4 of this deed to the Transferee, with full/limited title guarantee (*delete as necessary*), such right being severed from the Dominant Land described in box 5 and transferred as a right of common in gross.

7. Additional provisions relating to the transfer

Note 8

The Transferor must execute this form as a deed. If there is more than one Transferor all must execute. If the Transfer contains Transferee's covenants or declarations (included in box 7), it must also be executed as a deed by every Transferee. The Land Registry has issued guidance on the execution of deeds. Seek legal advice if you are unsure how to execute.

Note 9

Insert the date of completion of the deed of transfer.

8. Execution of deed

9. Date of Transfer

PART B: REGISTRATION

Note 10

Insert name of commons registration authority.

10. Commons Registration Authority

To the:

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

Note 11

An application may only be made by the body or person to whom the right of common in gross will be transferred. If you supply an email address, you may receive communications from the registration authority or other persons (e.g. objectors) via email.

11. Name and address of the applicant

Name:

Postal address:

Postcode

Telephone number:

Fax number:

E-mail address:

Note 12

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

Note 13

For further details of the requirements of an application, including evidence, refer to paragraph 12 of Schedule 4 to the Commons Registration (England) Regulations 2014.

12. Name and address of representative, if any

Name:

Firm:

Postal address:

Telephone number:

Fax number

E-mail address:

13. 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:

Natural England:

The commons council for the land over which the right is exercisable (the Servient Land):

The person designated by order under paragraph 1(5) of Schedule 1 of the Commons Act 2006 to be regarded as a commons council for the Servient Land:

Note 14

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

Enter the description of the right of common in gross, e.g. "a right of common to graze 10 sheep". Insert the commons register unit number(s) and rights section entry number in the register.

If your application relates to only part of the right of common, this application must be accompanied by application under section 8 to apportion the right.

14. Right of Common in gross

Description of right of common:

Register unit number(s):

Rights section entry number(s):

I confirm that the Dominant Land is shown edged blue on the attached map:

Note 15

To be completed only if the right of common in gross is transferred to Natural England.

It must give notice of the proposal to the owner of the Servient Land (wherever possible), commons council or equivalent body designated by Order, or persons that represent the interests of persons exercising rights of common over such land.

15. Name and address of every person or body on whom Natural England served notice of the severance and transfer (if relevant)

--	--

Note 16

List or enter here all declarations of consent required. The owner of the Dominant Land from which the right of common was severed must consent to the application.

Either list the declarations attached to the application, or include in the box any declarations made and signed.

16. Declarations of consent

A large empty rectangular box with a black border, intended for the user to enter or list declarations of consent as instructed in the text to the left.

Note 17

List all supporting documents which accompany the application.

This will include evidence of your capacity to apply.

Use a separate sheet if necessary.

Evidence of ownership of the Dominant Land or, as Transferee, of the right of common in gross must be enclosed, as must the deed of severance and transfer if Part A has not been completed.

Where the right of common is transferred to Natural England (as a right of common in gross) evidence must be provided of the notices served in accordance with the requirements of paragraph 1(2) of Schedule 1 to the Commons Act 2006.

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.

17. Supporting documentation

Note 18

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

18. Any other information relating to the application**Note 19**

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.

19. Signature of Applicant(s)

Name(s):

Signature(s):

REMINDER TO GRANTOR AND GRANTEE

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.