

Commons Act 2006: section 7**Variation of a right of common and application for registration of the variation in the register of common land or town or village greens**

This section is for office use only

Official stamp

Application number

Register unit number
allocated at registration
(for new commons only)

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

- **This form provides for the variation of a registered right of common by way of a deed (Part A) and the application to record such variation in the register of common land or town or village greens (Part B) under section 7 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 form creates rights and obligations on the parties. 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.**
- The variation of an existing registered right of common 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 may use Part A of this form to effect the variation, but if you do not, you will instead need to attach to your application your own deed of variation (or, if a deed is not required, explain why this is the case). Where the deed of variation in Part A is not being used you need complete only Part B of this form. The variation of a registered right of common is not effective in law until the variation has been recorded in the register of common land or town or village greens by way of an application made using Part B of this form.
- Only the following persons can apply to register a variation of a right of common granted for the purposes of section 7: the owner of any land over which the varied right of common is and/or will be exercisable or the person who owns either the land to which the right of common is attached or the right in gross (the Rightholder).
- If the right to be varied is a right to graze animals then in order for the variation to be registered you must give satisfactory evidence that the common is capable of sustaining the varied right, taken together, if relevant, with any existing rights of common exercisable over the same land.
- You will be required to pay a fee unless your application would result in the registration of new common land. 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 VARIATION

Note 1

The Existing Servient Landowner is the owner of the land over which the right is exercisable prior to the variation (the Existing Servient Land). If there is more than one Existing Servient Landowner, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Existing Servient Landowner is a body corporate or an unincorporated association, and the company registration number if applicable.

1. Existing Servient Landowner(s)

Name:

Postal address:

Postcode

Note 2

This box is to be completed only if the varied right of common would be exercisable over new land and the owner of such land is different from the Existing Servient Landowner in box 1.

The New Servient Landowner is the owner of the land over which the right will become exercisable (the New Servient Land), if different from the Existing Servient Landowner.

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

2. New Servient Landowner(s)

Name:

Postal address:

Postcode

Note 5

Describe the existing right of common and insert the numbers of the register unit(s) and rights section entry numbers(s) of the existing right in the register of common land or town or village greens. Then choose the relevant description of the variation or add your own in the space provided.

This is the operative section of the deed of variation. Please seek legal advice before completing this form if you are unsure about its effect. In particular, the title guarantees referred to in the above examples impose obligations on the persons giving them. There are two types of title guarantee, though either may be modified. 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.

5. Variation of Right of Common

Description of existing right of common:

Rights section entry number(s):

The following examples illustrate the ways in which the right of common could be varied:

The Existing Servient Landowner/New Servient Landowner grants to the Rightholder and his successors in title with full/limited title guarantee (*delete as necessary*) the right to graze 5 sheep over the New Servient Land described in box 7;

The Existing Servient Landowner grants to the Rightholder and his successors in title with full/limited title guarantee (*delete as necessary*) the right to graze an additional 10 sheep over existing register unit X;

The Rightholder releases and surrenders with full/limited title guarantee (*delete as necessary*) the existing right of common only in so far as it affects the Existing Servient Land described in box 6, to the extent that such right should be extinguished.

Describe the variation to the right of common:

Note 6

Insert description and particulars of the area of Existing Servient Land over which the right of common (as varied) will cease to be exercisable. You should give a grid reference or other identifying detail such as the Land Registry title number, as well as the register unit number to enable the land to be located.

6. Existing Servient Land affected by the variation (to be completed only if the existing right of common is varied so that it ceases to be exercisable over all or part of the Existing Servient Land)

Name by which the land is usually known:

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

Register unit number(s):

Note 7

Insert description and particulars of the area of land over which the right will be exercisable after the variation. This is known as the New Servient Land. You should give a grid reference or other identifying detail such as the Land Registry title number, to enable the land to be located. If all or part of the New Servient Land is existing common land please give the register unit number.

If any New Servient Land is to be recorded in the register of common land, then you must supply an Ordnance map which shows all the land at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. The map must show the boundary accurately edged in red.

Note 8

Insert here any consideration payable and any agreed covenants, conditions, declarations (e.g. consent of the Existing Servient Landowner's/ New Servient Landowner's chargee) and so on.

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

7. New Servient Land (to be completed only if the right of common is varied to become exercisable over new land in addition to or instead of any part of the Existing Servient Land)

Name by which the land is usually known:

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

Register unit number(s) (if relevant):

Select one of the options below:

1. I confirm that all of the New Servient Land is existing registered common land and consists of the whole of one or more register units, and I have specified the register unit number or numbers above:
2. I confirm none of the New Servient Land is existing registered common land and that the extent of the Servient Land is shown edged red on the attached map which is of the required scale:
3. I confirm that the New Servient Land is a combination of existing registered common land and new land (i.e. not currently registered); that the new land is shown edged red on the attached map; and that in relation to the existing land, I have specified the register unit number or numbers above:

8. Additional provisions relating to the variation

Note 9

All parties to the deed of variation 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.

9. Execution of deed

Note 10

Insert the date of completion of the deed of variation in this box.

10. Date of variation

PART B: REGISTRATION

Note 11

Insert name of commons registration authority.

A fee must be paid unless the variation results in the registration of new common land. The registration authority can advise you on the appropriate amount.

11. Commons Registration Authority

To the:

	Postcode
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Tick one of the following boxes to confirm that you have:

enclosed the appropriate fee for this application:

or

the variation would result in the registration of new common land, so no fee is required:

Note 12

If there is more than one applicant, list all their names and addresses in full. (An application may be made by the owner of any land over which the right of common was exercisable prior to the variation (Existing Servient Landowner), the owner of any land over which the right of common becomes exercisable (if different from the Existing Servient Landowner, known as the New Servient Landowner) or the owner of the land to which the right of common is attached or (if the right is in gross) the owner of such right (in either case known as the Rightholder)). 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 13 is not completed all correspondence and notices will be sent to the first named applicant.

12. Name and address of the applicant

Name:

Postal address:

Postcode

Telephone number:

Fax number:

E-mail address:

Note 13

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 14

For further details of the requirements of an application refer to paragraph 2 of Schedule 4 to the Commons Registration (England) Regulations 2014.

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

Note 15

Box 15 requires completion only if Part A of the Form is not used.

Describe in full how the right of common is to be varied.

13. Name and address of representative, if any

Name:

Firm:

Postal address:

Postcode

Telephone number:

Fax number

E-mail address:

14. Basis of application for registration and qualifying criteria

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

Existing Servient Landowner (the owner of the land over which the right has been exercisable):

New Servient Landowner (the owner of the land over which the right will become exercisable as a result of the variation):

Rightholder (the person entitled to exercise the right of common):

Tick this box if you have applied to register an apportionment of the right:

15. Description of variation to be recorded

Note 16

Box 16 requires completion only if Part A of the Form is not used. Specify the rights section entry number for the right to be varied if the right is in gross (not relevant for rights attached to land).

Note 17

Box 17 requires completion only if Part A of the Form is not used (but a map of the Dominant Land is required).

Insert description of the land to which the right of common is attached. This is known as the Dominant Land.

You should give a grid reference or other identifying detail such as the Land Registry title number, to enable the land to be located.

You must supply an Ordnance map of the Dominant Land, which must be at a scale of at least 1:10,560 and show the boundary accurately edged in blue.

16. Right in gross

Rights section entry number(s):

17. Dominant Land

Name by which the land is usually known:

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

Rights section entry number(s):

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

Note 18

Box 18 requires completion only if Part A of the Form is not used (but where any New Servient Land is to be created a map of that land is required).

Insert description and particulars of the area of Servient Land over which the right of common (as varied) will be exercisable. If relevant, you should also identify in distinct marking any areas where the varied right will cease to be exercisable. You should give a grid reference or other identifying detail such as the Land Registry title number, as well as the register unit number to enable the land to be located.

If any New Servient Land is to be recorded in the register then you must supply an Ordnance map which shows all the new land at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. The map must show the boundary accurately edged in red.

18. Description of the Servient Land

Will the variation:

make no change to the Servient Land:

result in the right becoming exercisable over new land:

result in the right ceasing to be exercisable over existing land:

result in the right both becoming exercisable over new land and ceasing to be exercisable over existing land:

Name by which the land is usually known:

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

Register unit number(s):

Note 19

You must obtain consent from every relevant leaseholder and proprietor of any relevant charge over any Servient Land (existing or new), and every Existing Servient Landowner, New Servient Landowner, and Rightholder (see notes to box 12 for definitions).

A “relevant leaseholder” means a leaseholder under a lease of more than seven years from the date on which the lease was granted. A “relevant charge” means, in relation to land registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002, and in relation to land not so registered, a charge registered under the Land Charges Act 1972 or a legal mortgage (within the meaning of the Law of Property Act 1925) which is not registered under the Land Charges Act 1972.

19. Name and address of every relevant leaseholder and proprietor of any relevant charge over any Servient Land, and every Existing Servient Landowner, New Servient Landowner and Rightholder (other than the applicant)

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Note 20

List or enter here all declarations from the persons listed in box 19. Either list the declarations attached to the application, or include in the box any declarations made and signed.

20. Declarations of consent from every person listed in box 19

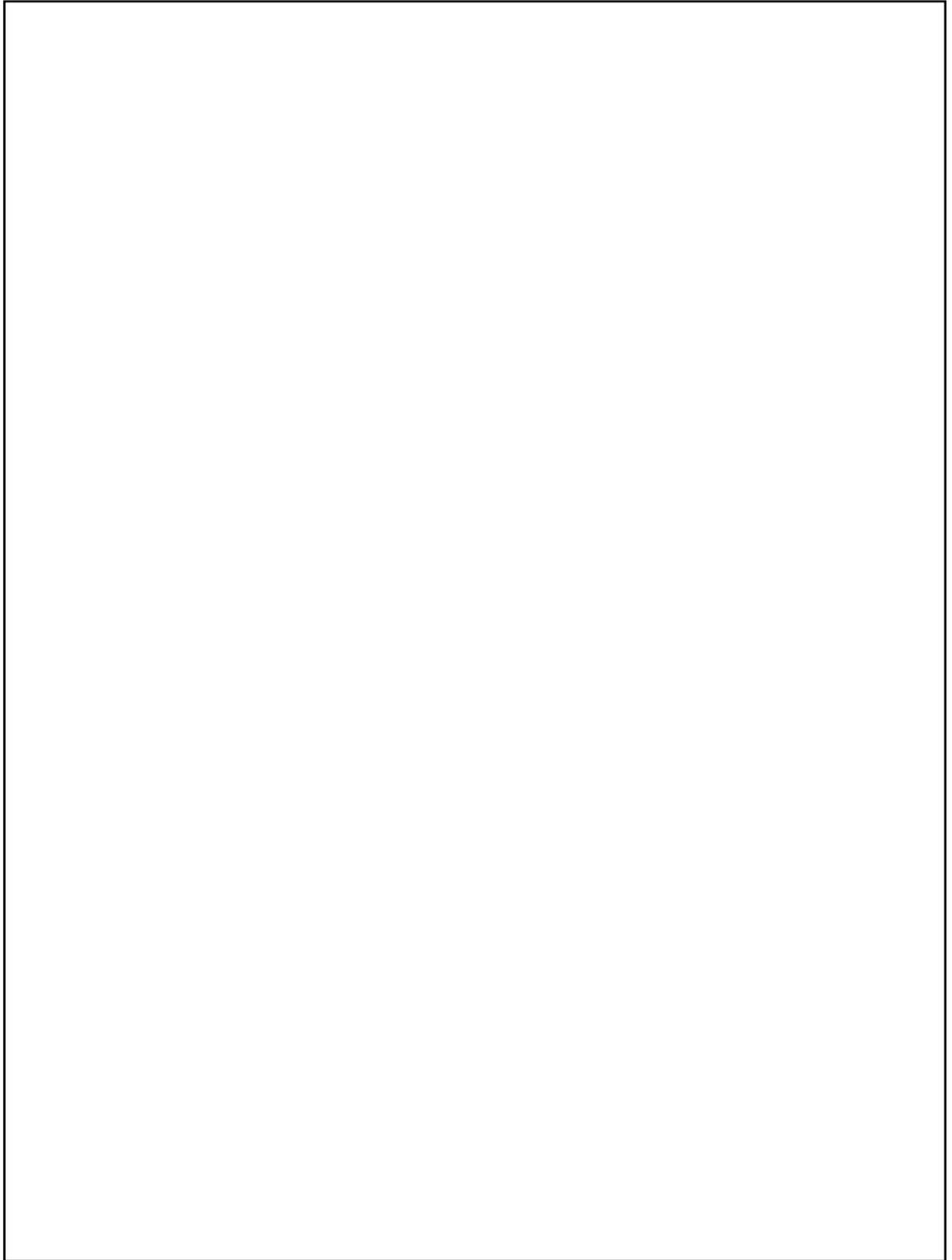
A large empty rectangular box with a black border, intended for entering declarations of consent from every person listed in box 19.

Note 21

List all supporting documents which accompany the application. These will include evidence of your capacity to apply. If the variation of the right relates to the grazing of any animal you must supply evidence that the Servient Land over which the right will be exercisable is able to sustain the exercise of the right, together with any other rights of common registered as exercisable over that land.

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. Use a separate sheet if necessary.

21. Supporting documentation



Note 22

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.

22. Any other information relating to the application

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Note 23

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.

23. Signature of Applicant(s)

Name(s):

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Signature(s):

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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.