

## **Regulatory Committee**

Meeting to be held on 6th April 2016

Electoral Division affected: Lancaster Rural East
--

### **Commons Act 2006 Section 12 The Commons Registration (England) Regulations 2014**

#### **Application to amend the Register to record a Transfer of a Right of Common in gross**

(Appendices 'A', 'B' and 'C' refer)

Contact for further information:

Danielle Jay, (01772) 535526, Legal and Democratic Services,

[danielle.jay@lancashire.gov.uk](mailto:danielle.jay@lancashire.gov.uk)

#### **Executive Summary**

An application from Paul John France and Mark Kelsall France to record a transfer of a right of common currently held in gross.

#### **Recommendation**

That the application be accepted and the transfer of rights in gross be recorded in the Commons Register in accordance with the Commons Registration (England) Regulations 2014 that Mr Paul John France and Mr Mark Kelsall France are entitled to the right to graze 79 and a half sheepgates over the whole of CL23.

#### **Background and Advice**

The Commons Act 2006 (the 2006 Act) makes provision for the registration of common land and of town and village greens. Registration Authorities were created to maintain two registers, one for common land and the other for village greens. The County Council is the Registration Authority for the County of Lancashire and has previously delegated powers and functions concerning alteration of the registers to the Commons and Town Greens Sub-Committee. These powers are now with the Regulatory Committee.

Section 12 Commons Act 2006 states that, the transfer of a right of common which is registered in a register of common land or town or village greens but is not registered as attached to any land only has effect if it complies with such requirements as to form and content as regulations may provide; and does not operate at law until, on an application under this section, the transferee is registered in the register as the owner of the right.

Such applications can only be made by either the registered owner of the right in gross or the transferee of that right, meaning the person to whom the right in gross will be transferred. Further, where the applicant is the transferee, consent must be obtained from the registered owner of the right in gross.

In this matter the rights currently held in gross were attached to Bell Hill Farm, Littledale. The rights previously registered under Rights Entry 3 were to graze sheep to a limit of 79 and a half sheepgates (one ewe together with followers and a hog counting as one sheepgate) over the whole of Common Land Unit CL123 otherwise known as Black Fell, Blanch Fell and Haylot Fell.

At a meeting of the Commons and Town Greens Sub-Committee held on the 22<sup>nd</sup> September 2011, the minutes of which are attached as Appendix 'A', a report was presented to the Sub-Committee on an Application from William Alan Huddleston, Margaret Elizabeth Atkin, Christine Mary Sayer and Barbara Ruth Huddleston. The Application was to register the severance of the rights away from the land at Bell Hill Farm and the subsequent transfer of those rights to the Applicants in that matter to be held in gross. It was resolved by the Sub-Committee that the application be accepted and the Commons Register was duly amended and updated.

On the 15<sup>th</sup> August 2012, William Alan Huddleston, Barbara Ruth Huddleston, Christine Mary Sayer and Margaret Elizabeth Atkin, transferred land at Bell Hill Farm, part of LA916839 and land at Bell Hill, part of LA126196 to the Applicants. In addition the rights to graze 79 and half sheepgates comprised in the Register entry relating to CL123 were also transferred to the Applicants with full title guarantee. The transfer is referred to in the Land Registry Title LA133886, at section 8 of the Property Register which is attached as Appendix 'B'. The corresponding Land Registry Title Plan is attached as Appendix 'C'

It is advised that if the application is well founded then the application be accepted and the transfer of the right of common be recorded in the Commons Register.

## **Consultations**

Notice of the application was given on the County Council web site and also to all parties who have requested to be notified of applications under the 2006 Act.

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

Consideration has been given to the risk management implications associated with this proposal. The Committee is advised that provided the decision is taken in accordance with the advice and guidance given, and is based upon relevant information contained in the report there are no significant risks associated with the decision-making process.

**Local Government (Access to Information) Act 1985**  
**List of Background Papers**

Paper	Date	Contact/Tel
File of papers denoted 3.682		Danielle Jay Legal and Democratic Services Ext 535526

Reason for inclusion in Part II, if appropriate

N/A