

4. Minutes of the Meeting held on 7 February 2011

Resolved: That, the Minutes of the meeting held on the 7 February 2011 be confirmed and signed by the Chairman.

5. Commons Act 2006 Schedule 3 Commons Registration (England) (Amendment) Regulations 2009

Application for the Amendment of a Register in relation to Rights of Common being grazing rights registered as Entry 3 in the Rights section of Register Unit CL123, Black fell, Blanch Fell and Haylot Fell Littledale, Lancaster

A report was presented on an Application from William Alan Huddleston, Margaret Elizabeth Atkin, Christine Mary Sayer and Barbara Ruth Huddleston to register severance of the rights away from land at Bell Hill Farm and then subsequent transfer of rights to the Applicants which were rights in gross.

The Sub-Committee was informed that the rights at present were registered as being the right to graze sheep to a limit of 79 and a half sheepgates (one ewe together with followers and a hog counting as the sheepgate) over the whole of CL123 and that these rights were currently shown as attached to land at Bell Hill Farm Littledale as shown on the supplemental map with the Registers referred to in the report. Copies of various Deeds had been provided and the Deed plan which was marked on the agenda as to be presented at the meeting (due to its large size) was shown to the Sub-Committee to illustrate that the farm, along with its grazing rights, was purchased in 1951 by Edward and Mary Huddleston to which parts of the land had since been transferred.

It was reported that the first transfer was in 1985 and that the grazing rights were expressly reserved to Edward and Mary Huddleston. It was a Deed of Gift of a small part of the farm and it was agreed and declared that it "does not include (and there are expressly reserved to the Donors) all those rights of common sheep and cattle gaits on Black Fell Blanche Fell and Haylot Fell appurtenant to Bell Hill Farm". It was arguable that this was when all the rights became severed but it was suggested that on balance it was not clear enough and it might be considered that only those rights attached to the small section being transferred were severed at this time. The Sub-Committee was advised that these few rights were then held in gross by Edward and Mary Huddleston.

It was also reported that there were further transfers in 1991 with rights retained by Mary Huddleston and a trustee, as Mr Huddleston had died. The Solicitors confirmed the rights in gross had passed to Mary Huddleston and Mr Gillibrand on the death of Mr Edward Huddleston. There was then a transfer of part of the farm in January 2002 but the rights had not been mentioned and in August 2002 there was the transfer of most of the remainder of the land together with all the commons rights as per the 1951 purchase to the applicants.

It was reported that notice of the application had been duly served according to the Regulations and that no response had been received save for further details being requested by a neighbouring landowner but no objection raised and a visit to inspect the file by a rights holder.

The Sub-Committee was advised that if the application was well founded the appropriate amendment to the register should be made.

The Sub-Committee was also advised that some rights were expressly reserved and thereby were not transferred with the land but became severed in 1985 and 1991. The small piece of land at the farm which had not been the subject of any transfer had any rights which were attached to it were sold separately in 2002 when all the rights were stated to be transferred to the applicants.

It was reported that the Solicitors who acted for the purchasers in 2002 confirmed that there was no intention to transfer any grazing rights and confirmed that the purchaser made no claim to any grazing rights nor believed that they ever held any. They were not aware of them exercising any rights. A letter direct from the purchasers confirmed their belief that their Solicitors could provide the information about the grazing rights. The Sub-Committee was informed that only a few months after the sale, were the rights then transferred to the applicants separately from the land.

The Sub-Committee was advised that, on balance there would appear to be sufficient evidence of the rights being severed at various times to end up held in gross by Mr and Mrs Huddleston and then Mrs Huddleston and Mr Gillibrand as trustee and that they then transferred the rights to the Applicants in 2002. It was considered that the severance and transfer should now be shown on the Register and the rights shown as jointly held in gross by the Applicants.

Resolved: That

- i. The application to register the severance of rights and transfer in gross to the applicants jointly of the rights registered in Entry 3 of the Rights Section of CL123 namely the right to graze sheep to a limit of 79 and a half sheepgates (one ewe together with followers and a hog counting as the sheepgate) over the whole of CL123 be accepted; and
- ii. The register be amended in accordance with the Commons Registration (England) Regulations 2008 as amended to register said severance and transfer.