

This section for official use  
only

## COMMONS REGISTRATION ACT 1965

### Section 13

# Application for the amendment of a register in relation to a right of common

**IMPORTANT NOTE:** - Before filling in this form, read carefully the notes on the back. An incorrectly completed application form may have to be rejected.

<sup>1</sup>Insert name of registration authority maintaining the register containing the registration of the land To the<sup>1</sup>

Application is hereby made for the amendment of the register mentioned in part 3 below, in relation to the undernoted right of common, in accordance with the particulars set out hereunder.

#### Part 1.

**Name and address of applicant or (if more than one) of every applicant:**

*(Give Christian names or forenames and surname, or, in the case of a body corporate the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the first named applicant. See Note 2 for information as to who may apply)*

#### Part 2.

**Name and address of solicitor, if any:**

*(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)*

#### Part 3.

**Register containing the registration of the land.**

*(Insert "Common Land" or "Town or Village Greens". See Notes 3 to 5)*

**Part 4.**

**Register unit number.**

*(See Note 4.)*

**Part 5.**

**Rights section entry number.**

*(Give the number of the entry in the rights section of the register unit relating to the right of common sought to be amended. Previous (cancelled) entries relating to the same right of common, if any, should be disregarded)*

**Part 6.**

**Nature of applicant's interest in the proposed amendment.**

*(Read Note 2 and insert, e.g., "as owner of the soil", "as transferee" or as the case maybe.)*

**Part 7.**

**Nature of change in the right of common.**

*(See Note 7.)*

**Part 8.**

**On what date did the change take place?**

**Part 9.**

**How did the change take place?**

*(See Note 8.)*

<sup>2</sup> *If the applicant is a body corporate or charity trustees the application must be signed by the secretary or some other duly authorised officer.*

**Signature(s) of applicants(s) or of person on his or their behalf <sup>2</sup>**

Date:.....20.....

(See Note 10.)

### Statutory Declaration in Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor or by the person who signed the application.

<sup>1</sup> Insert full name(s)

(I) (We)<sup>1</sup>

solemnly and sincerely declare as follows: -

<sup>2</sup> Strike out this paragraph if it does not apply.

1. <sup>2</sup> (I am) (We are) the person(s) who (has) (have) made the foregoing application.

<sup>3</sup> Insert capacity in which acting.

2. <sup>2</sup> I am <sup>3</sup> to the applicant(s) and am authorised by the applicant(s) to make the foregoing application on (his) (their) behalf.

3. (I) (We) have read the Notes on the back of the application form and believe-

<sup>4</sup> that (I) (we) (the applicant(s)) (am) (are) (is) entitled to the interest mentioned in the application, and

<sup>4</sup> Delete all but one of these alternatives.

<sup>4</sup> that the person(s) entitled to the interest mentioned in the application (is) (are) the person(s) therein stated to be so entitled, that, under or by virtue of the matters referred to therein (I) (we)(am) (are) authorised, in the capacity or respective capacities therein mentioned, to make this application, and

<sup>4</sup> that the land described in the application belongs to the benefice therein mentioned, that the said benefice is vacant, and

that, by reason of the facts therein stated, the register to which the application relates ought to be amended accordingly.

<sup>5</sup> Strike out this paragraph if there is no plan.

4. <sup>5</sup> The plan now produced and shown to me marked <sup>6</sup> " " is the plan referred to in part 7 of this application.

<sup>6</sup> Insert "marking" as on plan (see Note 10)

And (I) (we) make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said:.....  
.....  
.....  
.....  
.....  
.....  
.....  
at:.....  
in the:..... of.....  
this..... day of..... 20.....

Before me,

Signature: .....

Address: .....

Qualification:.....

**REMINDER TO OFFICER TAKING DECLARATION:**  
Please initial all alterations and mark any plan as an exhibit

## Notes

### 1. What amendments should be registered

Application should be made to have the register amended where a registered right of common, whether or not attached to land, has been apportioned, varied, extinguished or released or, if it is a right in gross, (that is, not attached to any land) has been transferred. With regard to attached rights, it is important to remember that, so long as the land to which a right is attached remains a single holding, no case for amendment of the register arises, no matter how many times the holding may be sold or otherwise transferred, unless and until the right is apportioned. On the other hand, every transfer of the freehold ownership of a right held in **gross** should be recorded in the register. Changes in the tenancy of a holding to which a right is attached do not necessitate amendment of a register.

### 2. Who may apply

An application may be made by any person having an interest under the apportionment, variation, extinguishment, release or transfer. Having an "interest" means having gained a benefit or advantage by the transaction. Thus, for example, in the case of an apportionment, each of the persons entitled to any part of the apportioned right would be entitled to apply. In the case of an extinguishment or release, the applicant would generally be the soil owner. In the case of a variation, any person benefited by the variation, and in the case of transfer, the transferee, would be entitled to apply. Where the relevant interest belongs to an ecclesiastical benefice of the Church of England which is vacant, the Church Commissioners may make the application and, where they do so, the fact should be stated, and the name of the benefice given, in part 1.

There are certain other cases where a person may be entitled to apply on behalf of the owner of the relevant interest or in his stead. Examples are (a) a receiver appointed under section 105 of the Mental Health Act 1959; (b) charity trustees where the relevant interest is vested in the Official Custodian for Charities; (c) trustees for the purposes of the Settled Land Act 1925 authorised by order under Section 24 of that Act. In such cases mention should so far as possible be made, either in part 1 or in part 6 as may be most convenient, of (a) the Act of Parliament, statutory instrument, order of court or other authority under which the applicant claims to be entitled to apply; (b) the capacity in which he applies; and (c) the name and address of the person on whose behalf or in whose stead the application is made, that is to say the person having the necessary interest as explained in the preceding paragraph. The registration authority has power to call for such further evidence of the right of the applicant to make the application as it may reasonably require.

In all cases where charity trustees apply (not only where the right is vested in the Official Custodian) the fact should be stated, and the name of the charity given, in part 1 or part 6 as convenient.

### 3. Scope of application

An application may not relate to more than one registered right of common. If more than one right requires amendment on the register a separate form must be used for each right.

### 4. Inspection

The registration particulars of the right of common must be ascertained in order to complete parts 3 and 4 of the application. Two separate registers are maintained under the Act by each registration authority - a Register of Common Land and a Register of Town or Village Greens, and rights of common may be registered as exercisable over land registered in either register. To ascertain whether land has been registered under the Act, anyone may inspect the registers at the offices of the registration authority.

### 5. Double registration

[NB. Note 5 was deleted by the Commons Registration (Amended and Miscellaneous Revocations) Regulations 2010.]

### 6. Objections and amendment applications contrasted

[NB. Note 6 was deleted by the Commons Registration (Amendment and Miscellaneous Revocations) Regulations 2010.]

### 7. Nature of change

The applicant should state whether the right has been apportioned, extinguished, released, varied or transferred. Full details must be given of any apportionment or variation. Where there has been a transfer, the names and addresses of the transferees must be given.

## 8. Grounds of application

An application for amendment, to be successful, must show that events subsequent to the registration of the right concerned have caused the right to become altered, for example, by apportionment; and in part 9 should be set out, as concisely as possible, a statement of the facts relied on as showing how the change in the right of common has occurred. It is not possible to give a complete list of all the events which could give rise to an application for amendment of the register and the following are given only as examples: -

- (a) apportionment may occur, in the case of a right attached to land, when part of that land is sold and part retained;
- (b) extinguishment can occur, e.g., by merger, as where the owner of the right becomes the owner of the land over which it is exercised or vice versa;
- (c) release, variation or transfer are usually effected by deed but may occur in other ways, as where a bankrupt's property vests in his trustee in bankruptcy or where rights are altered by or under an Act of Parliament.

The statement should include particulars of every Act of Parliament, statutory order, order of court, deed or other instrument and of every act or event, which is material for the purpose. The registration authority has power to call for such further evidence in support of the application as it may reasonably require.

## 9. Land descriptions

It may be necessary, for the purposes of the application, to describe an area of land. There may, for example, have been some alteration in the area of land over which the right is exercisable, or (if the right is attached to a farm or other land) in the area of the land to which the right is attached. It is permissible to describe land by reference to the register and to some physical feature such as a road, river or railway, so that the description might, for example, read "the land in register unit No. .... Lying to the south of the road from A to B". Where this cannot be done, then unless the land to be described is land to which the right is attached it must be described by a plan, which must be drawn to scale in ink or other permanent medium, and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice) and it must be marked as an exhibit to the statutory declaration (see Note 10). Where the land to be described is land to which the right is attached, the description may be either by a plan prepared as already explained, or alternatively, by reference to the numbered parcels on the most recent edition of the ordnance map (quoting the edition), supplemented, where necessary to describe part of a parcel, or any land not numbered on the ordnance map, by a plan as above. Sufficient particulars of the locality must in any case be given to enable the land to be identified on the ordnance map.

## 10. Statutory Declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink, an identifying symbol such as the letter "A". On the back of the plan should appear these words:

This is the exhibit marked "A" referred to in the statutory declaration of (name(s) of declarant(s)) made this (date) before me,

.....  
(Signature and qualification)

If there is more than one plan care should be taken to use a different identifying letter for each.

## 11. Action by Registration Authority

The registration authority will on receipt of the application, send an acknowledgement. If this is not received within 10 days, the applicant should communicate with the authority. Publicity will be given to the application and objections invited. Thereafter, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, the registration will be amended in the prescribed manner, and the applicant will be supplied with particulars of the amendment. If it is rejected, the applicant or his solicitor will be notified of the reasons for the rejection.

## 12. False Statements

The making of a false statement for the purposes of this application may render the maker liable to prosecution.