

Commons Act 2006: section 13**Surrender of a registered right of common and application for removal of the right from the register of common land or town or 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 (in Part A) for the express surrender by way of deed of a right of common which is registered in the commons register and (in Part B) for the application to remove such right from the register, under section 13 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 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 express surrender of a registered right of common will in most cases need to be effected by way of deed to operate at law (see section 52(1) of the Law of Property Act 1925). You need not use the form of deed in Part A of this form to effect such a surrender, but if you do not, you will instead need to attach to your application your own deed of surrender (or, if a deed is not required, explain why this is the case). Where the deed of surrender in Part A is not being used, only Part B of this form needs to be completed. The surrender of a registered right of common is not effective in law until the registered right has been removed from the register of common land or of town or village greens pursuant to an application made using Part B of this form.
- Only the following persons can apply to remove a registered right of common from the register under section 13: the owner of either the land to which the right of common is attached (known as the Dominant Land) or owner of the right in gross (in either case the Surrendering Rightholder) or the owner of any part of the land over which the right is exercisable (the Servient Landowner).
- 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 SURRENDER

Note 1

The Surrendering Rightholder is either the owner of the right of common in gross confirmed in box 4 or of the Dominant Land described in box 5.

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

Note 2

The Servient Landowner is the owner of the common land described in box 6. If there is more than one 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 Servient Landowner is a body corporate or an unincorporated association, and the company registration number if applicable.

1. Surrendering Rightholder

Name:

Postal address:

Postcode

2. Servient Landowner

Name:

Postal address:

Postcode

Note 5

Insert description of the land to which the right of common is attached (not relevant for rights in gross). This is known as the Dominant Land. If the right to be surrendered is only part of the registered right(s) of common attached to the land, please identify the land to which it relates.

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.

Note 6

Insert description and particulars of the area of land over which the right is exercisable. This is known as the 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.

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:

6. Servient Land

Name by which the land is usually known:

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

Note 7

This is the operative section of the surrender. Please seek legal advice before completing this form if you are unsure about its effect.

There are two types of title guarantee, though either may be modified. In providing such guarantees the Surrendering Rightholder(s) give(s) certain binding promises relating to the surrender. 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.

Note 8

Insert here any consideration payable and any other agreed terms (e.g. consent of the Servient Landowner's chargee). This will include any additional provisions required if the surrender is of only part of a registered right of common.

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

7. Surrender

The Surrendering Rightholder hereby surrenders with full/limited title guarantee (*delete as necessary*) the right of common described in box 4, to the intent and purpose that such right shall be extinguished.

The Servient Landowner hereby accepts the surrender.

8. Additional provisions relating to the Surrender

Note 9

Every Surrendering Rightholder 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. If there are additional parties to the surrender, they should also execute.

Note 10

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

9. Execution of deed

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10. Date of Surrender

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PART B: REGISTRATION

Note 11

*Insert name
of commons
registration
authority.*

11. Commons Registration Authority

To the:

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

Note 12

An application to remove a right of common from the commons register under section 13 can be made only by either: (i) the owner(s) of the land to which such right is attached (the Dominant Land) or (if the right is in gross) the owner(s) of such right (in either case known as the Surrendering Rightholder); or (ii) the owner of the land over which such right is exercisable (the Servient Landowner). (In each case, if there is more than one Surrendering Rightholder or Servient Landowner, then all such Rightholders or, as the case may be, Landowners, must apply). 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, including evidence, refer to paragraph 7 of Schedule 4 to the Commons Registration (England) Regulations 2014.

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

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

Surrendering Rightholder (the owner of the Dominant Land or of the right of common in gross):

or

Servient Landowner (the owner of the land over which the right of common to be surrendered and extinguished was exercisable):

Note 15

Box 15 requires completion only if Part A of the Form is not used. Enter the description of the Right of Common to be surrendered. Insert the numbers of the register unit(s) and rights section number entry number(s) of the right in the common land register. Indicate whether the right is in gross. If your application relates to only part of a right, this application must be accompanied by application under section 8 to apportion the right.

15. Right of Common to be removed from the register

Description of right of common:

Register unit number(s):

Rights section entry number(s):

If the right is a right in gross (i.e. it is not attached to land) please tick here:

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

Note 16

Box 16 requires completion only if Part A of the Form is not used (but an Ordnance map of the Dominant Land is required).

Insert description of the land to which the right of common is attached (not relevant for rights in gross). This is known as the Dominant Land. If the right surrendered is only part of a registered right of common attached to land identify the land to which it relates.

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. If the right is held in gross please disregard this box.

16. 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 17

Box 17 requires completion only if Part A of the Form is not used.

Insert description and particulars of the area of land over which the right is exercisable. This is known as the 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.

Note 18

Where the applicant is the Servient Landowner, consent of the Surrendering Rightholder(s) is required to the application. Either list or enter here all declarations of consent from the Surrendering Rightholder(s), or include in the box any declarations made and signed. Include the full name and address of every Surrendering Rightholder.

17. Servient Land

Name by which the land is usually known:

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

18. Declarations of consent from every Surrendering Rightholder (where the applicant is the Servient Landowner)

Note 19

List all supporting documents which accompany the application. This will include evidence of your capacity to apply. 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. List the documents in the box, or write in any evidence. Use a separate sheet if necessary.

19. Supporting documentation

Note 20

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.

20. Any other information relating to the application

Note 21

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.

21. Signature of Applicant(s)

Name(s):

Signature(s):

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.