

Decision

Section 12 of The Commons Act 2006



Application 2918 to transfer a registered right of common in gross

1 Background:

The Cornwall Council, as commons registration authority, has a duty to process and determine certain applications to amend the registers of common land and town or village greens. On 8 March 2016 the authority received a completed application in form CA6 from Mr Steed to transfer a right of common from his son to himself.

2 Legislative requirements:

- 2a Section 6 of Schedule 4 to the Commons Registration (England) Regulations 2014 states that an application can only be made by the registered owner of the right of common in gross or the transferee of that right. It is confirmed that application 2918 is made by the transferee of the right.
- 2b Where the registered owner of the right of common in gross is not the applicant, the application must show that the registered owner consents to the application. The registered owner, Mr Jason Steed, died 16th April 2014. The District Probate Registry at Bristol granted, on 11th September 2014, the last will and testament by which all of the estate devolves and vests in Mr Christopher John Steed, father of the deceased.
- 2c The application must show evidence of the applicant's capacity to make the application by virtue of sub-paragraph 1(a) or 1(b), and the numbers of the register unit and rights section entry in the register of common land for the right of common to which the application relates. The applicant has provided copies of the death certificate and probate. It is further confirmed that it is register unit number CL 127 and rights section entry number 105, and CL 136 and rights section entry number 66 which relate to the application.

3 Representations:

No representations were received.

4 Decision:

The application meets the legislative criteria as set out in paragraph 2 above and is therefore granted.

Name: Martin Wright

Position: Commons Registration Officer

Date: 9th May 2016