

Rec SEIU 27/3/01

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Rothbury Parish Council
14 Addycombe Close
Rothbury
MORPETH
Northumberland
NE65 7QF
Telephone: 01669 621946 Mobile: 0771 8479971

RECEIVED ON
12 MAR 2001

7 March 2001

Land Registration Authority
Northumberland County Council
County Hall
MORPETH
Northumberland
NE61 2EF

Dear Sir

Rothbury Parish Council: Registration of Land

Please find enclosed a document from Rothbury Parish Council regarding registration of land in the vicinity of Shellrigg House and the Newcastle Hotel.

The document has been signed by the Commissioner for Oaths.

We look forward to hearing from you in due course.

Yours faithfully



Claire M Miller, Clerk
For and on behalf of
Rothbury Parish Council

COMMONS REGISTRATION ACT 1965 – SECTION 13

Application for the Registration of Land which became
a Town or Village Green after 2nd January 1970

NOTES

Before completing this form, read carefully the following notes. An incorrectly completed application form may have to be rejected.

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land which is claimed to have become a town or village green. The registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council. However if the land in question is partly in the area of one registration authority and partly in that of another, the authorities may by agreement have provided for one of them to be the registration authority for the whole of the land. An applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should therefore enquire whether such an agreement has been made and, if so, which authority is responsible for the land.

2. Who may apply for registration

An application for the registration of any land which has become a town or village green after 2nd January 1970 may be made by any person.

3. No double registration

If the land is already registered under the Act, whether in the Register of Town or Village Greens or in the separate Register of Common Land, and whether the registration is provisional, final, or under section 13 of the Act (which relates to land becoming common land or a town or village green after 2nd January 1970), an application for registration cannot be entertained, but this does not prevent the submission of an application later on, should the existing registration cease for any reason to be effective (as, for example, by the land being removed from the register under section 13 or by a provisional registration being cancelled or failing to achieve finality). If an earlier registration is believed to exist a search of the register may be obtained by means of C.R. Form 21 (a separate form must be used for each register).

4. Meaning of "town or village green"

"Town or village green" is defined in the Common Registration Act 1965 as land:—

- (a) which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality, or
- (b) on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes, or
- (c) on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than twenty years.

While a town or village green can be subject to rights of common, it does not include land which is registered as common land in the separate Register of Common Land maintained under the Act. (There is a separate form available for applying for the registration under the Act of land which became common land after 2nd January 1970.) "Land" includes land covered with water so that a town or village green can, for instance, include a pond.

5. How land can become a town or village green

Land can become a town or village green after 2nd January 1970 in one of the following ways:—

- (1) By or under an Act of Parliament otherwise than as substituted land (as to substituted land, see category (4) below).
- (2) By customary right established by judicial decision.

- (3) By the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years.
- (4) By substitution or exchange for other land which has ceased to be a town or village green under —
 - (a) sections 147 and 148 of the Inclosure Act 1845; or
 - (b) paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946; or
 - (c) any other enactment providing, on the exchange of land, for the transfer of rights, trusts or incidents attaching to the land given in exchange from that land to the land taken in exchange and vice versa.

Land in category (4) is referred to in this form as "substituted land", and the land for which it is substituted, and which has ceased to be a town or village green, is referred to as "the taken land". If this application is accepted for registration, and the taken land is registered in the Register of Town or Village Greens maintained by the same registration authority, the taken land will be removed from the register automatically provided the registration authority is satisfied as to the exact areas of both the substituted and the taken land. No separate application in regard to the latter is necessary in such a case.

6. Land descriptions

In addition to the particulars asked for at part 3 of the form, a plan of the land claimed to have become a town or village green must accompany the application. The particulars in part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This 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 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 9 below). If the land to be registered is substituted land (see note 5 above), then a description of the taken land must be given in part 7, and a plan of this area, too, may have to be provided. If the taken land has already been registered under the Act (as it will have been in most cases) and comprises the whole of the land in one or more register units, a plan is unnecessary provided the register unit number(s) are quoted. If the taken land comprises only part of the land in a register unit a plan may be dispensed with if the land can be described by reference to some physical feature such as a road, river or railway; 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 method is not practicable, or the taken land is not registered under the Act, it must be described by a plan which must conform to the requirements mentioned above. Where two plans accompany the application, a different colour should be used in each.

7. Grounds of application: evidence

In part 5 should be set out, as concisely as possible, a statement of the facts relied on to show that the land became a town or village green on the date stated in part 4; this date must be after 2nd January 1970, otherwise the application cannot be entertained. 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. If the land is substituted land (see Note 5 above) there should be included in part 5 particulars of the enactment and of the compulsory purchase order, order of exchange or other instrument authorising the exchange or substitution, and of the instrument (if any) under which the exchange or substitution actually took place.

8. Supporting documents

The application must be accompanied by the original or (preferably) by a copy or sufficient abstract of every document relating to the matter which the applicant has in his possession or under his control, or of which he has a right to the production. The following are examples of documents which, under this rule, may normally be expected to be among the documents accompanying applications in the particular cases mentioned:—

- (1) Where the land is stated to have become a town or village green by virtue of a private or local Act or of a statutory instrument, the award or other instrument of allotment (if any) made thereunder.
- (2) Where the land is stated to have become a town or village green by customary right, an office copy of an order of a court of competent jurisdiction embodying a declaration to that effect.
- (3) Where the land is stated to have become a town or village green by the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years, and there is a declaration by a court of competent jurisdiction to that effect, an office copy of the order embodying that declaration.
- (4) Where the land is stated to be substituted land (see Note 5 above), the original or a duly authenticated copy
 - (a) of the compulsory purchase order, order of exchange or other instrument authorising the exchange or substitution, and
 - (b) of the instrument (if any) under which the exchange or substitution actually took place.

The foregoing list is not exhaustive and in special cases the applicant may need to consult the registration authority. Applicants are strongly recommended NOT to forward the original of any deed or other private document. Instead, a copy should be supplied, preferably indorsed with a certificate signed by a solicitor that it has been examined against the original. The applicant should indicate, either on the copy itself or in part 8 of the application, as convenient, who has the original and where it may be inspected. If any document relating to the matter is believed to exist, but neither the original nor a copy can be produced, the fact should be mentioned in part 9 of the application, where particulars of the missing document should be given and its non-production accounted for.

The registration authority has power to call for such further evidence as it may reasonably require.

9. Statutory Declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. The plan (or each plan) accompanying the application and 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'. If there is more than one plan a different identifying letter must be used for each. On the back of the plan should appear these words:

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

.....
Signature and qualification)

10. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Unless the application has to be rejected after preliminary consideration, the registration authority will give publicity to it and will consider it further in the light of any objections which may be received. The applicant will be supplied with copies of all objections which fall to be considered and will have an opportunity of answering them. Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, the land will be registered as a town or village green, and the applicant will be supplied with particulars of the registration. If it is rejected, the applicant will be notified of the reasons for the rejection.

11. False statements

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

*This section for official
use only*

COMMONS REGISTRATION ACT 1965, SECTION 13

**APPLICATION FOR THE REGISTRATION OF LAND WHICH BECAME
A TOWN OR VILLAGE GREEN AFTER 2nd JANUARY 1970**

*¹Insert name of
registration
authority.*

To the ¹ *Northumberland County Council*

Application is hereby made for the registration as a town or village green
of the land described below, which became so registrable after 2nd January
1970.

Part 1

Name and address of the applicant or (if more than one) of every applicant.

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

*Rothbury Parish Council
c/o Ms Clavie Miller,
Clerk to the Parish Council
14, Addycombe Gardens
ROTHBURY,
MORPETH,
Northumberland*

NE65 7QF

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

Particulars of the land to be registered, i.e. the land claimed to have become a town or village green.

Name by which usually known

Shellnigg House / Church House Green.

Rectangle of green on the East side of Shellnigg House and Church Hotel.

Locality Church Street, Rothbury - immediately to the West of House (Natural Park Interpretation Centre) and bounded to the North by the Colour on plan herewith is orange and marked Exhibit 'A'

Part 4

On what date did the land become a town or village green?

The land has been used as village green since before 2 January 1970.

Part 5

How did the land become a town or village green?

The land has been used by the inhabitants of the locality to indulge in sports and pastimes as of right for more than 20 years.

Part 6

Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to have become a town or village green. (If none are known, write "none".)

Duke of Northumberland, Northumberland Estates, Alnwick Castle, ALNWICK, Northumberland, NE 61

Part 7

For applications to register substituted land (see Note 5); to be disregarded in other cases.

Particulars of the "taken land", i.e. the land which ceased to be a town or village green (or part thereof) when the land described in part 3 became a town or village green (or part).

Name by which usually known

Locality

Colour on plan herewith (if any)

If registered under the 1965 Act, register unit No(s).

Part 8

List of supporting documents sent herewith, if any. (If none are sent, write "none".)

NONE

Part 9

If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land is believed to dispute the claim that it has become a town or village green) full particulars should be given here. (Continue on back if necessary.)

² The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or

Date fourteenth of December 2000 19
Signatures² Davis J.
Chairman of Rothbury Parish
Council.

(See Note 9)

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.

1. ¹ ~~Heights Hillside East Rombury~~ ^{ANTHONY DAVID SANDFORD} of Woodland Northumberland ^{NE65 7PT} solemnly and sincerely declare as follows:-

¹ Insert full name (and address if not given in the application form).

² Delete and adapt as necessary.

³ Insert name if applicable.

1.2 I am ((the person ~~(one of the persons)~~ who (has)(have) signed the foregoing application)) ~~((the solicitor to (the applicant) (3 one of the applicants))~~

2. I have read the Notes to the application form.

3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 8 and 9 of the application.

⁴ Insert "marking" as on plan.

4. The plan ⁵ now produced and shown to me marked is the plan referred to in part 3 of the application.

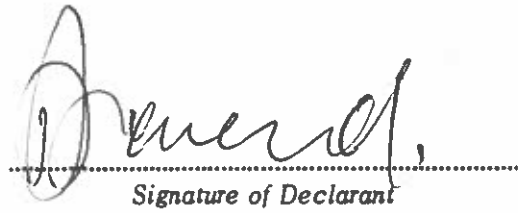
4 "A"

⁵ Delete this paragraph if there is no plan referred to in part 7.

~~5.5 The plan now produced and shown to me marked is the plan referred to in part 7 of the application.~~

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

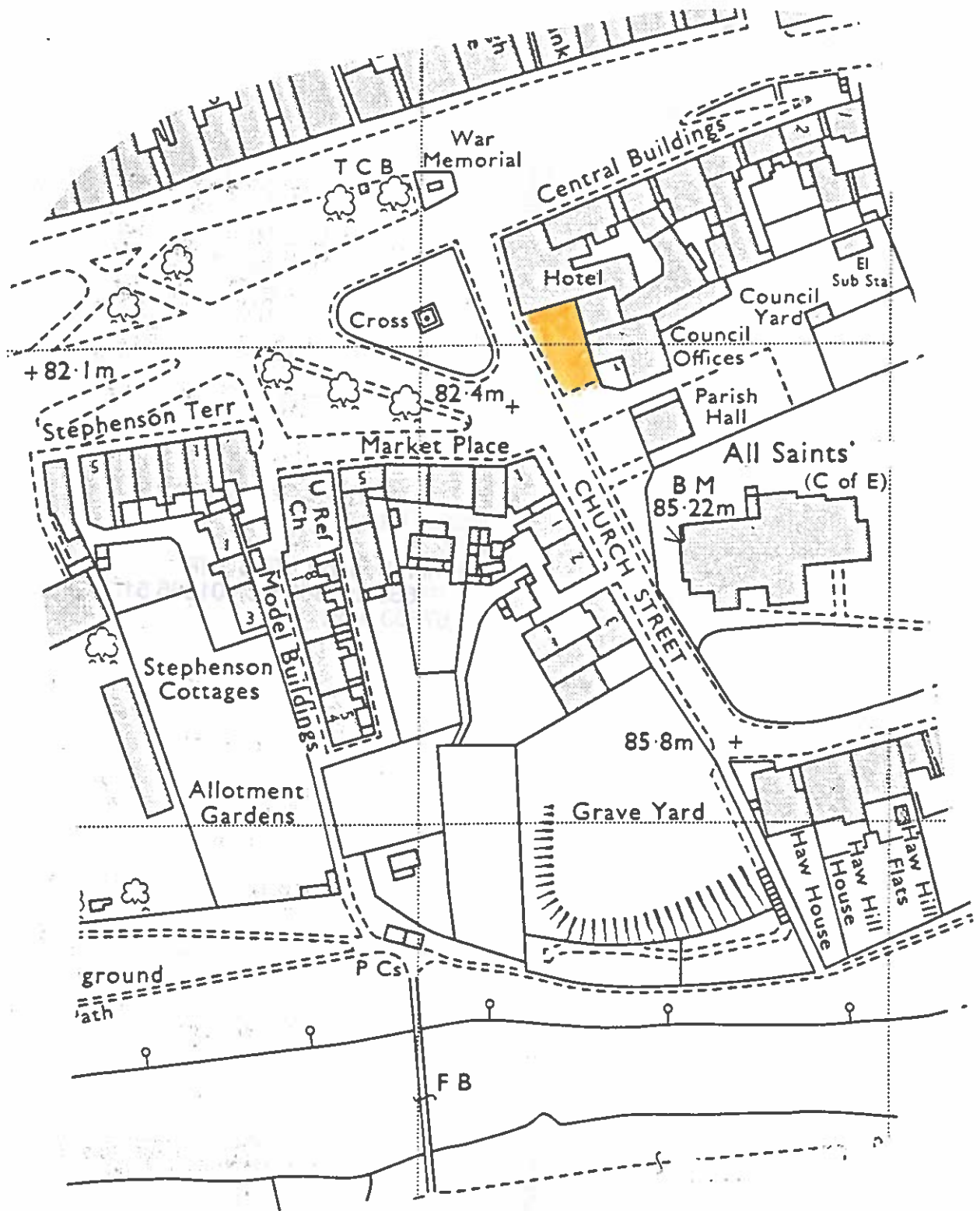
Declared by the said ANTHONY DAVID SANDFORD at ALNWICK in the COUNTY of NORTHUMBERLAND this 14th day of FEBRUARY 1900


Signature of Declarant

Signature [Signature] (N. LUKE)
Address MARKET PLACE
ALNWICK NORTHUMBERLAND
Qualification SOLICITOR / COMMISSIONER FOR OATHS

Adam Douglas & Son Solicitors
Market Place
Alnwick
Northumberland NE66 1HP
Tel: 01665 602363 Fax: 01665 510079
DX 67800 Alnwick

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



ROTHBURY PARISH

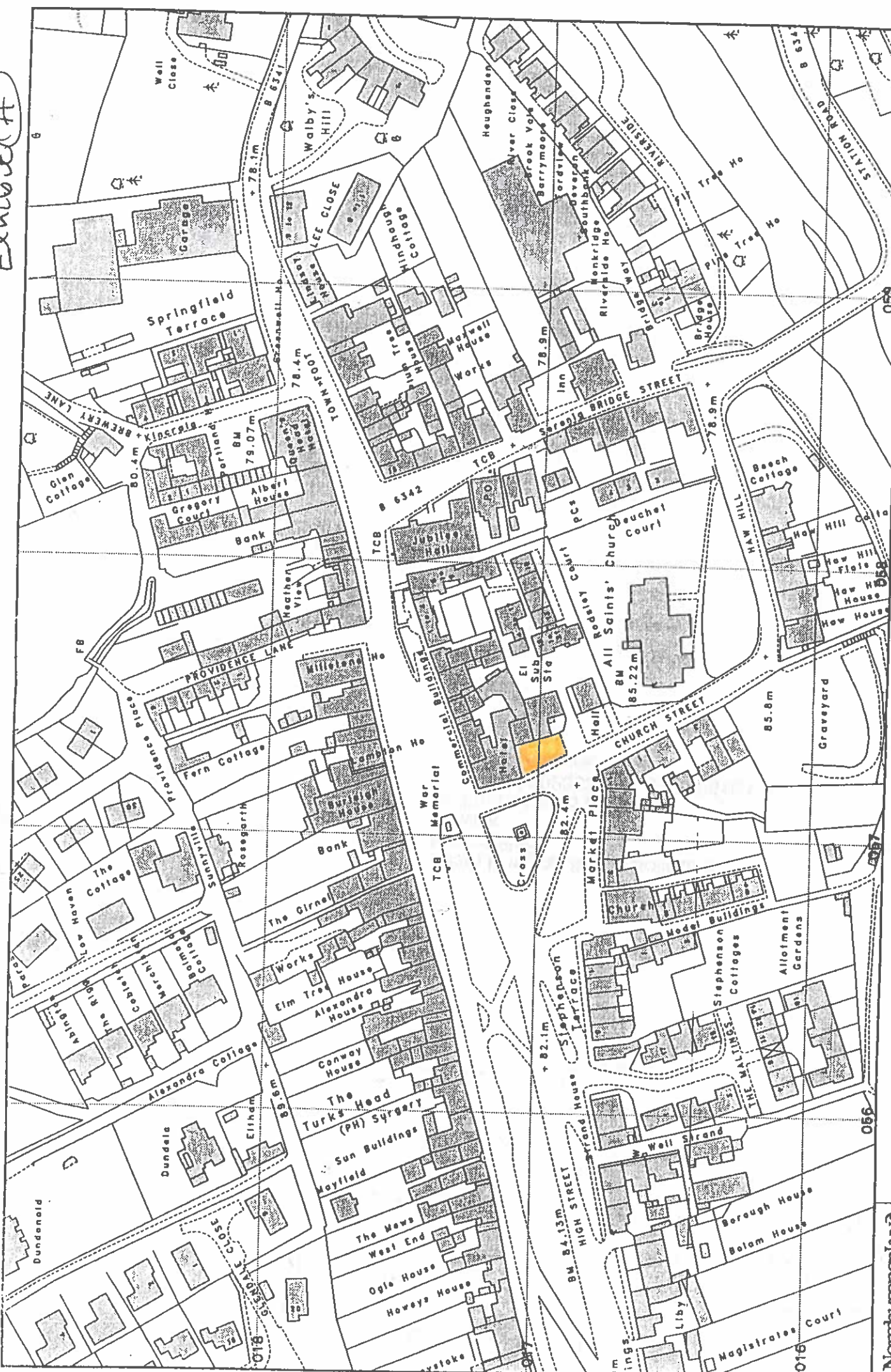
SCALE 1 : 1250

This is the exhibit marked 'A'
referred to in the statutory declaration
of Anthony ^{David} Sandford, chairman of Rothbury
Parish Council made this 14th day of
FEBRUARY
2001 before me.

A. L. (N. WICKS)
SOLICITOR / COMMISSIONER
FOR OATHS.

Adam Douglas & Son Solicitors
Market Place
Alnwick
Northumberland NE66 1HP
Tel: 01665 602363 Fax: 01665 510079
DX 67800 Alnwick

Exhibit A



NORTHUMBERLAND MAP SERVICE
 DATE 12/01/99
 Reproduced from/based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction in any form without the written permission of the Controller of Her Majesty's Stationery Office is prohibited. O.S. LICENCE NO. LA 078773

SCALE 1:1250
 059
 056

NORTHUMBERLAND
 COUNTY COUNCIL

Adam Douglas & Son Solicitors
Market Place
Alnwick
Northumberland NE66 1HP
Tel: 01665 602363 Fax: 01665 510079
DX 67800 Alnwick

A. F. (N. LUKS)
Solicitor/Commissioner for
AAAs.

This is the exhibit marked 'A' referred to in the statutory declaration of Anthony Stanford, Chairman of Rothbury Parish Council made this 14th day of April 2001 before me.