

**Commons Act 2006: section 6****Grant of a new right of common and application for registration of the right in the commons register**

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**This section is for office use only**

Official stamp

Application number

Register unit number  
allocated at registration  
(for new commons only)

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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 grant of a new right of common by way of a grant made by deed and (in Part B) the application to register such right in the register of common land under section 6 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 form creates rights and obligations on the parties. 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.
- A new right of common can be created only by a grant made by deed, or pursuant to an enactment. You need not use Part A of this form to make a grant by deed, but if you do not, you will instead need to attach to your application your own deed of grant, and to complete only Part B of this form. A grant of a new right of common is not effective in law until it has been registered in the register of common land by way of an application made using Part B of this form.
- Only the following persons can apply to register a new right of common granted for the purposes of section 6: the owner of the land over which the right of common will be exercisable (the Grantor) or the person who owns the land to which the right of common will be attached (the Grantee).
- If the right to be created is to graze animals then in order for the right to be registered you must give evidence that the common is capable of sustaining the new right, taken together, if relevant, with any existing rights of common exercisable over the same land.
- You will be required to pay a fee unless your application would result in the registration of new common land. 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 GRANT**

**Note 1**

*The Grantor is the owner of the Servient Land (the land which is or will become the common) described in box 5.*

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

**Note 2**

*The Grantee is the owner of the Dominant Land (the land to which the right of common will be attached) described in box 6.*

*If there is more than one Grantee (e.g. if the Dominant Land is owned by joint tenants), list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Grantee is a body corporate or an unincorporated association, and the company registration number if applicable.*

**1. Grantor**

Name:

Postal address:

Postcode

**2. Grantee**

Name:

Postal address:

Postcode

**Note 3**

*Enter the details of other persons who are a party to the deed of grant. For example, a mortgagee or holder of a relevant charge over the land may wish to be a party to the deed of grant.*

**Note 4**

*Describe the nature of the new right of common granted and any quantification or other conditions. For example "a right of common to graze 10 sheep with or without followers from October to May only, such right to be held in fee simple". A new right cannot be created for a finite number of years and will therefore endure in perpetuity akin to a freehold interest.*

**3. Additional parties to the deed of grant**

Name:

Postal address:

Postcode

**4. Right of Common**

**Note 5**

*Insert description and particulars of the area of land over which the right will be 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. If all or part of the Servient Land is existing common land please give the register unit number.*

*If none or only part of the Servient Land is already recorded in the register of common land, then you must supply an Ordnance map which shows all the land at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. The map must show the boundary accurately edged in red.*

**5. Servient Land**

Name by which the land is usually known:

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

Register unit number(s) (if relevant):

Select one of the options below:

1. I confirm that all of the Servient Land is existing registered common land and consists of the whole of one or more register units, and I have specified the register unit number or numbers above:

2. I confirm none of the Servient Land is existing registered common land and that the extent of the Servient Land is shown edged red on the attached map which is of the required scale:

3. I confirm that the Servient Land is a combination of existing registered common land and new land (i.e. not currently registered); that the new land is shown edged red on the attached map; and that in relation to the existing land, I have specified the register unit number or numbers above:

**Note 6**

*Insert description of the land to which the right of common is to be attached. This is known as the Dominant 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.*

*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.*

*The right of common will remain attached to this land irrespective of subsequent changes in ownership.*

**6. 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 7**

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

*In particular, the title guarantees referred to in this box impose obligations on the Grantor. There are two types of title guarantee, though either may be modified. In providing such guarantees the Grantor gives certain binding promises relating to the grant. 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 agreed covenants, declarations (e.g. consent of the Grantor's chargee) and so on.*

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

**7. Grant**

The Grantor grants the Right of Common as described in box 4 of this deed to the Grantee and his successors in title to the Dominant Land, with full/limited title guarantee (*delete as necessary*) out of the Servient Land for the benefit of the Dominant Land.

**8. Additional provisions relating to the Grant**

**Note 9**

*The Grantor 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 is more than one Grantor, including any parties mentioned in box 3, all must execute. If the Grant contains Grantee's covenants or declarations (i.e. included in box 8), it must also be executed as a deed by every Grantee.*

**Note 10**

*Insert the date of completion of the deed of grant in this box.*

**9. Execution of deed**

**10. Date of Grant**

## PART B: REGISTRATION

### Note 11

Insert name of commons registration authority. If the right of common will be exercisable over existing registered Servient Land (i.e. existing common land) then a fee must be paid, which the registration authority can advise you on. If the right will cause new Servient Land to be created then no fee is required.

### Note 12

If there is more than one applicant, list all their names and addresses in full. (An application may be made by the Grantor or the Grantee, or both; if there is more than one Grantor or Grantee all the Grantors or the Grantees 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.

## 11. Commons Registration Authority

To the:

Tick one of the following boxes to confirm that you have:

enclosed the appropriate fee for this application:

or

applied to register new common land, so no fee is required:

## 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 1 of Schedule 4 to the Commons Registration (England) Regulations 2014.*

*The Servient Land is the land which is or will become the common. The Dominant Land is the land to which the right of common will be attached.*

**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:

the owner of the Servient Land (described in box 5 of Part A): the owner of the Dominant Land (described in box 6 of Part A): the owners of the Dominant and Servient Land applying jointly:

**Note 15**

*Box 15 requires completion only if Part A of the Form is not used.*

*Describe the nature of the Right of Common and any quantification or other conditions. For example "a right of common to graze 10 sheep with or without followers from October to May only, such right to be held in fee simple". A new right cannot be created for a finite number of years and will therefore endure in perpetuity akin to a freehold interest.*

**15. Description of right of common to be recorded in the register**

[Empty box for description of right of common]

**Note 16**

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

*Insert description of the land to which the right of common is to be attached. This is known as the Dominant 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.*

*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.*

*The right of common will remain attached to this land irrespective of subsequent changes in ownership.*

**16. Description of the 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 (but where any new Servient Land is to be created a map of that land is required).

Insert description and particulars of the area of land over which the right will be 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. If all or part of the Servient Land is existing common land please give the register unit number.

If none or only part of the Servient Land is already recorded in the register of common land, then you must supply an Ordnance map which shows all the land at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. The map must show the boundary accurately edged in red.

**17. Description of the Servient Land**

Name by which the land is usually known:

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

Register unit number(s) (if relevant):

Select one of the options below:

1. I confirm that all of the Servient Land is existing registered common land and consists of the whole of one or more register units, and I have specified the register unit number or numbers above:
2. I confirm none of the Servient Land is existing registered common land and that the extent of the Servient Land is shown edged red on the attached map which is of the required scale:
3. I confirm that the Servient Land is a combination of existing registered common land and new land (i.e. not currently registered); that the new land is shown edged red on the attached map; and that in relation to the existing land, I have specified the register unit number or numbers above:

**Note 18**

*You must obtain consent from every relevant leaseholder and proprietor of any relevant charge over any part of the Servient Land. State the Land Registry title number where known. Use a separate sheet if necessary.*

*A “relevant leaseholder” means a leaseholder under a lease of more than seven years from the date on which the lease was granted. A “relevant charge” means, in relation to land registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002, and in relation to land not so registered, a charge registered under the Land Charges Act 1972 or a legal mortgage (within the meaning of the Law of Property Act 1925) which is not registered under the Land Charges Act 1972.*

**18. Name and address of every relevant leaseholder and proprietor of any relevant charge over any part of the Servient Land**

**Note 19**

List or enter here all declarations from the persons listed under box 18 and the owners of both the Dominant Land and Servient Land (other than the applicant), who are referred to as the grantors or grantees in boxes 1 and 2 of Part A.

Either list the declarations attached to the application, or include in the box any declarations made and signed.

**19. Declarations of consent from every person listed in box 18 and every owner of the Dominant and Servient Land**

A large empty rectangular box with a black border, intended for the user to enter the declarations of consent as specified in the header above it.

**Note 20**

List all supporting documents which accompany the application.

These will include evidence of your capacity to apply. If the right to be created is for a right to graze any animal you must supply evidence that the Servient Land over which the right will be exercisable is able to sustain the exercise of the right.

If the applicant is not the owner of the Servient Land over which the right will be exercisable, a copy of the epitome of title or register of title for ownership of the Servient Land must be enclosed.

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.

**20. Supporting documentation**

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**Note 21**

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.

**21. Any other information relating to the application****Note 22**

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.

**22. Signature of Applicant(s)**

Name(s):

Signature(s):

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**REMINDER TO GRANTOR AND GRANTEE**

**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.*