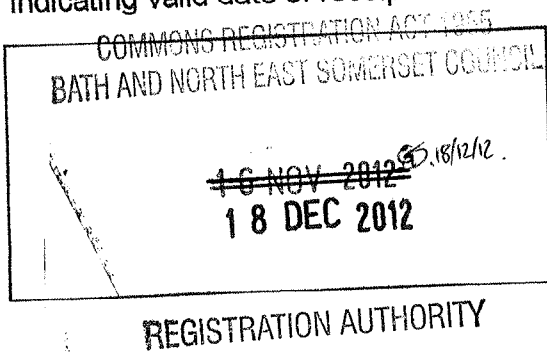


Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

APPENDIX 2

Official stamp of registration authority
indicating valid date of receipt:



Application number:

TVG12/1

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

1. Registration Authority

To the

Note 1

Insert name of
registration
authority.

Mr Graeme Stark,
PROW,
Bath and North East Somerset Council,
Riverside,
Temple Street,
Keynsham,
Bristol,
BS 31 1LA.

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name:

Full postal address:

Telephone number: (incl. national dialling code)

Fax number: (incl. national dialling code)

E-mail address:

Supported by members of the Pulteney Estate Residents Association (PERA) who represent the Residents in Streets Around the Recreation Ground. See Map A.

Note 3

This question should be completed if 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.

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Telephone number: (incl. national dialling code)

Fax number: (incl. national dialling code)

E-mail address:

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

** Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

* Only complete if the land is already registered as common land.

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

Bath Recreation Ground

Location:

Central Bath
Identified on Map A and in Picture B a 1905 photograph.
The area is also identified in Appendices 1 and 2

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

Central Bath known as the City of Bath in the Administrative area called Bath and North East Somerset. Map A attached shows the most adjacent streets although all Bath residents are entitled to use the Recreation Ground as Beneficiaries in the conveyance of 1956(see appendix 2). Those outside the Bath City boundary are permitted use of the facilities of the Recreation Ground but have no beneficial ownership.

Tick here if map attached:

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

The Recreation Ground was conveyed in 1922 from Captain Forester to the Bath And County Recreation Club. (Conveyance attached as Appendix 1.) In 1956 it was then conveyed to the Mayor, Aldermen and Citizens of Bath. (Conveyance attached as appendix 2). With these conveyances came a covenant, which described how the land should and should not be used. If Town Green's had existed at that time then the Recreation Ground would have been designated as a Town Green. It was to remain; an open space; be used for recreational pastimes of all descriptions; not to be used for commercial gain; not to be used for any purpose that would disturb local residents.

It is the intention of this submission that the Bath Recreation Ground should be returned to the state that existed when the conveyances and covenants were initially executed.

Only those activities conforming to these legal documents should be permitted to remain. All buildings, which were erected for commercial gain since the demise of the Amateur Rugby Club, should be demolished or returned to the ownership and control of the trustees for use by other legitimate users.

Appendix 8 attached is a fuller statement of the case.

Note 8

Please use a separate sheet if necessary.

8. 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 be a town or village green

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

The owners are those defined by the 1954 conveyance namely the Mayor, Aldermen and Citizens of Bath. The land is held for them in a charitable trust and members of the B&NES Council should act as trustees on their behalf.

Current Lessee's for part of the Recreation Ground are;

Bath Rugby PLC, a professional club with a dubious 75year lease granted in 1954.
Bath Croquet Club an amateur club with a 10-year lease, which expired in 2011 and is now renewed on an annual basis including a few parking spaces.

Bath Drama Society, which have a permanent lease on one small area and their own access gate.

Whitefield Volleyball Club which have an annually renewable lease for their annual event. That is providing it does not clash with other events organised by the Rugby Club (i.e. Professional Cricket).

Bath Spa Tennis Club who now annually renew their lease for three grass tennis courts which includes a few parking spaces.

Southdown Tennis Club with a lease for two grass courts.

The Bath leisure centre now run as a not for profit organisation by Aquaterra providing both indoor and outdoor activities. It has been agreed that it can remain whilst the buildings, maintained by the Council, remain serviceable. See appendix 5.

All the above are marked on Map A

10. Supporting documentation

Appendix 1 Original conveyance 1922.

Appendix 2 Conveyance of 1956 to Mayor, Aldermen and Citizens of Bath with restrictive covenants.

Appendix 3 Summary findings of the High Court in 2002.

Appendix 4 Charity Commission definition of the rules to be followed by the Bath Recreation Ground Charity Trust.

Appendix 5 Agreement saying that the Leisure Centre could remain.

Appendix 6 Original lease for 50 years to the Amateur Rugby Club

Appendix 7 Original copy of the 2002 lease for a temporary East Stand for the Professional Rugby Club.

Appendix 8 Copy of detail to be included with section 7 justifying the registration application.

Appendix 9 Applications for Buildings on the Recreation Ground

Map A An aerial map of the Recreation Ground and surrounding streets.

Map B A map of the Recreation Ground showing the public right of way.

Picture B a picture of the Recreation Ground in 1905 showing Rugby, Cricket and Football pitches co-existing with open access to the River Avon.

Appendix 10 Various Witness Statements separately numbered 10(x)

Note 11

If there are 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.

11. Any other information relating to the application

Appendix 9 shows all the planning applications for Buildings on the Recreation Ground the Majority of which were illegal with reference to the Conveyance and Covenant.

The Bath Rugby Club and the B&NES Council may oppose the application.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date:

11th NOVEMBER 2012

Signatures:

[Handwritten signature]

[Handwritten signature]
Chair
Pulney Estates
Residents Association
(PERA)

REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

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

I, JACK SPARROW solemnly and sincerely declare as follows:—

² Delete and adapt
as necessary.

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

³ Insert name if
Applicable

2. 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 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

⁴ Complete only in
the case of
voluntary
registration (strike
through if this is not
relevant)

~~4. I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:~~

- ~~(i) a declaration of ownership of the land;~~
- ~~(ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have~~

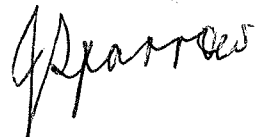
Cont/

⁴ Continued

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

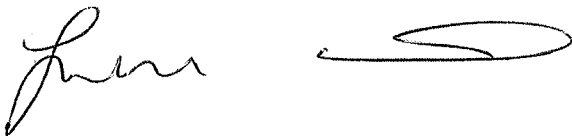
And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said)
 JACK SPARROW)
))
at 43 FORESTER ROAD)
 BATHWICK)
 BATH BA26QE)
this 14TH day of NOVEMBER) 2012



Signature of Declarant

Before me *

Signature: 

Address: JULIE HARDIE
7 PIERREPONT ST BATH

Qualification: SOLICITOR

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

Map A

Scale 1:2500

