

Annex 1

BACKGROUND ON AMENDMENT OF LAND REGISTRY DOCUMENTS FOR THE HALL & FIELD

1. At its June 2021 meeting, the Management Committee resolved that action should be taken to amend the land registry documents to indicate the Parish Council is the custodian trustee, subject to any further information being obtained from Parish Council research.
2. The draft minute of the Parish Council meeting held in March 2022 states that it had received a response from the Charity Commission which advises that the Land Registry records for both the hall and the field be changed to confirm that the Parish Council holds the title as custodian trustee for CHAFT (i.e. it is not the owner in its own right)
3. The Management Committee has previously agreed a budget of £500 for amending the land registry documents (November, 2021)

4. Quotations from Solicitors

Quotation from Solicitor 1 dated July 2021.

Thank you for sending these documents over. I anticipate that our charges for making the necessary amendments will be £770 plus VAT plus Land Registry fees for copy documents of £12 and for registering the change of £40 so £976 in total. Should the work involved be less than I expect, then we will of course charge you less and will only charge for the work which we actually do.

Quotation from Solicitor 2, dated April 2022.

Land Registry fee of £40 plus a fee of £200 plus VAT for putting the application together. The solicitor points out that completion will require the Parish Council to formally confirm their consent to the changes.

Email trail from Solicitor 2

Email from solicitor dated September 2021

Thank you for your emails regarding Charney Hall and Field. I note that this is on hold whilst options are considered. One relatively easy option may be to register a couple of entries at the Land Registry – one to confirm that the property is held in trust and one to confirm that the property is charity property. These would be restrictions, which notify interested parties of these elements of the property and ensure the Council couldn't sell the property ignoring the trust and charity elements.

They look like this:

Trust: "No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

"Charity: "No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate."

Might be something to consider to protect the property, whilst everything else is being settled. Let me know if you'd like to consider this, otherwise I'll wait to hear from you

Extract from solicitor dated 8th April, 2022

Could I just check that you wish to simply add two restrictions to the titles to both pieces of land? And would this be completed with the consent of the Parish Council, i.e. would they be willing to sign a document to confirm their consent?

The Land Registry fee for this would be £40 and I would charge a fee of £200 plus VAT for putting the application together.

Extract from email to solicitor dated 13th April,2022

Thanks very much for your quotation. I believe the Parish Council will be prepared to give formal consent to appropriate changes being made to the land registry documents.

However, before I approach them, I need to clarify your reference to 'adding two restrictions to the titles to both pieces of land' which I assume from previous correspondence would place restrictions on the Parish Council disposing of the two properties.

Will this be in addition to implementing the following advice received from Community First and Action with Communities in Rural England (ACRE) 'If the Committee wishes to retain the Parish Council (as custodian trustee) but clarify the Land Registry details, I suggest you engage a competent solicitor who can amend the registration to clearly state the title is held by:

Charney Bassett Parish Council as custodian trustee of Charney Hall & Field Trust.

I just wonder whether these additional amendments to both land registry documents might help the Management Committee should the issue of ownership etc. be raised at some point in the future. Once we have clarification, we will formerly approach the Parish Council.

Email from solicitor dated 13th April,2022.

Yes, I can ask the Land Registry to make that change as well. As long as the Parish Council agree to that change, it shouldn't be a problem and I wouldn't charge anything further.

Extract from email to Parish Council, dated 14th April, 2022.

All I need at this stage is confirmation that the Parish Council will be willing to sign a document to confirm their consent to the proposed changes to the land registry documents.