



LAND LAW LLP

Allostock Manorial Rights

We are pleased to inform you that Mr Thomas Woodcock has agreed that the documental evidence supporting his registration of manorial rights in Allostock fails to prove he has a valid claim. During our correspondence, where the weaknesses of the current claim were brought to his attention, Mr Woodcock has agreed to a settlement that will allow the Unilateral Notices to be removed from your title register.

Details of the argument presented to Mr Woodcock, and his response, are set out in the copy email correspondence below.

Our Ref: AAW/101112/01

Dear Mr Woodcock

Further to our conversation yesterday and your acknowledgement that the evidence was quickly prepared in light of media attention, I set out below a brief summary of some of the inherent weaknesses in the validity of your claim. These include but are by no means limited to legal necessities to prove the validity of the stated rights as manorial rights, that the land in question is legally subject to the manorial rights and that you as the applicant have inherited the said rights.

The rights must fulfil the legal requirements to be determined as manorial rights. This includes but is not limited to proof of a clear definition of the rights and that the specific rights claimed by you were customs of the manor, in the form and practical application so stated, prior to their conveyance to John Long in 1830. Whilst there is little legal guidance as to the evidentiary requirements to establish the custom, from the late 1800s, it appears to have been accepted that regular, un-contradicted usage of 20 years is sufficient. The former matter of definition is one that you have already acknowledged would present difficulties with respect to proving beyond reasonable doubt the precise proportion of the Leicester Share. It is also necessary to present documental evidence demonstrating that the rights in question survived enfranchisement.

The land in question must satisfy the requisites to be subject to any manorial rights. This includes but is not limited to proof that each title was previously copyhold of the manor (Land Registration Act 2002, law Corn 271, paragraph 8.41). You state in your email dated 25 October 2013 that there is no evidence of any copyhold tenure. The land subject to the manorial rights must also be clearly defined and supported at least by legitimate historical descriptions of the manor's boundaries written by parochial officials or historical figures.

Evidence of the applicant's title, to the particular manorial rights claimed, needs to be presented and demonstrate that the rights have been inherited by the applicant without being severed from the lordship, surrendered or allowed to lapse. With regard to this issue potential problems have already been identified such as proving that the option mentioned in document G was exercised, matters regarding the will and probate of John Long the younger 17 June 1889 and in particular the will of 1913 and settlement of 1916. This latter settlement would require you to provide documental evidence of the retention and actual conveyance of the rights to each remainder men prior to William Woodcock. This list included George Holt's children and their children, his sister Jane and her children, his brother Philip and his children, as well as his brother Alfred and his children.

Recent cases demonstrate that where manorial rights become the subject of debate and litigation the evidence required has to be strong. At present your evidence does not demonstrate a valid claim to the rights you are attempting to protect. The court will try to balance the potential lord's rights against those of an individual who currently owns the land or wishes to do so. It is also my understanding, through discussions with the Land Registry, that their system does not allow the grouping of matters and as such you would be required to respond to each proprietor individually should you both decide to proceed. Given the present animosity amongst the residents, the community meetings to discuss the matter and the numerous legal firms that have already been in touch with ourselves, to proceed with your objections to applications to cancel the notice would result in severe expenses, time consumption and paperwork on your behalf. It is with this in mind that we recommend that you submit the withdrawal of your objection for anyone who has already submitted a UN4 form and allow the 15 days to object to

pass for anyone who subsequently submits a UN4 form. If you agree to the aforementioned settlement please send an appropriate response to that effect. We can then contact the community meeting informing them of this settlement and the issue can be resolved before further costs, time and energy are exerted by all parties.

I do hope that you will take this course of action and look forward to hearing from you.

Yours sincerely

Angus Whyte

Partner

Dear Mr. Whyte,

Your ref: AAW/101112/01

Thank you for your email of 6th December.

The area on which I have insufficient evidence is a clear definition of the rights and customs of the Manor and evidence as to any copyhold of the Manor. Consequently I am happy to withdraw my objection to anyone who has already submitted a UN4 form and to allow fifteen days to object to pass for anyone who subsequently submits a UN4 form.

As far as the precise proportion of the Leicester share is concerned the Enclosure Award of 28 September 1815 states that the one-fourteenth share of the Common Land in the Manor should be equally divided between the two Moieties.

I think that I could prove that the option mentioned in Document **G** was exercised. No rights were conveyed to the remaindermen prior to my mother Mary Woodcock as daughter of my grandfather William Woodcock (1876-1940) because George Holt's daughter Catherine Holt was tenant-for-life of the Settlement till her death in 1968. George Holt's said elder daughter Catherine Holt (1900-1968) died unmarried. His younger daughter Ruth Holt (1904-1986) gave up her life interest in the Settlement and died unmarried. George Holt's sister Jane had one son George Herdman who was killed unmarried on the Somme in World War I and a daughter Catherine Herdman, who died unmarried in the 1950's. George Holt's half-brother Philip Henry Holt died unmarried in 1938 and his half-brother Alfred Holt died in about 1930 married but without issue. It was because this whole series of people died without any issue that the property in the Settlement passed to my mother as the most senior surviving person in the entail and she surrendered the Settlement to me.

Yours sincerely,

Thomas Woodcock

Dear Mr. Whyte,

Thank you for your email. I wrote to the Land Registry by email last night and said that I wished "to withdraw my objection to those who have already submitted UN4 Forms and not to object to anyone who subsequently submits a UN4 Form. Please could you let me know whether I need to do anything else to achieve this". I have not yet heard from the Land Registry in answer to my enquiry and shall be away tomorrow but back on Thursday and Friday.

You write that cautions against first registration for unregistered properties will need to be removed. I have no problem with this being done but am not sure that there are any such cautions as I did not take any action with regard to unregistered property.

Yours sincerely,

Thomas Woodcock

The Next Step...

Mr Thomas Woodcock has agreed that he will not object to anyone who makes an application to cancel the unilateral notice. This can be done by completing a UN4 form. These can be found on the Land Registry website

(www.landregistry.gov.uk/_media/downloads/forms/UN4.doc) or you can request a copy by email from Hannah Mould (HMould@land-law.co.uk).

For anybody who has already submitted a UN4 form, if the deadline to respond was after Tuesday 10 December 2013 the application will proceed and Mr Thomas Woodcock's unilateral notice will be removed. The Land Registry has informed us that they will begin the administration for this on Monday 16 December 2013.

For anybody who already submitted a UN4 form but had a deadline to respond before Tuesday 10 December 2013 it will be necessary to complete a new UN4 form.

Completion of the UN4 form is free. All applicants will be informed of their successful removal of the unilateral notice through written correspondence from the Land Registry.

Unregistered Land

Mr Thomas Woodcock has also placed cautions against first registration to protect his rights over unregistered land. This caution will notify him when the land is registered and give him the opportunity to place a unilateral notice on the title. It would, therefore, be an opportune time to register any unregistered land as he has presently agreed not to pursue the matter further. A key indicator that your land is unregistered is if you own land in Allostock but did not receive a notice from the Land Registry informing you of Mr Woodcock's unilateral notice. If you are unsure whether your land is registered we have provided a map highlighting unregistered land and a list of addresses. Alternatively you can contact us using the provided contact details and we will be happy to assist your query. We would recommend that you seek legal advice if your property is not registered as the procedure for first registration and removal of the caution is more complex.

Working Together

Whilst this settlement is favourable it does not prevent Mr Woodcock from placing a unilateral notice on titles in the future. However, due to changes in the law, as of 13 October 2013 putting unilateral notices on titles to protect manorial rights is no longer free. Therefore, if Mr Woodcock was to place a unilateral notice on a title after it had been removed it would cost him £40 for the first three titles and then £20 for every title after that. Also as a consequence of legal changes, any land bought or sold after 13 October 2013 without Mr Thomas Woodcock's unilateral notice on the registered title will be protected from him placing a unilateral notice on the title in the future.

Accordingly it is in your interests to get as many people as possible to apply to cancel the unilateral notice whilst he is demonstrating his willingness not to object to the process. The larger the number of titles from which the unilateral notice is removed the bigger the deterrent it presents to Mr Woodcock in the future to attempt to assert rights due to the increased administration costs.

If you have any further queries in relation to the above matters or anything mentioned at the meeting please contact **Hannah Mould** at **Land Law LLP (HMould@land-law.co.uk)**.

11th December 2013

10-14 Market Street Altrincham Cheshire WA14 1QB
Tel: (0161) 928 8383 Fax: (0161) 928 8484 DX: 29918 Altrincham 2
www.land-law.co.uk

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Partners: A A F Whyte P M Grundy A Lawrence H Davidson H R Scheiwiller

Associate Partners: S A Bonwick N I Pride

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