

Appendix 1

IN THE (insert) COUNTY COURT

CLAIM No. _____

IN THE MATTER OF THE COMMONS ACT 2006 B E T W E E N:

(insert name) Claimant -and- (insert name) Defendant

PARTICULARS OF CLAIM

Works on a common without Commons Act 2006 section 38 consent

1. The land the subject of this action is situated at (insert address) and forms part of land commonly known as (insert) Common ("the Common"). It is approximately delineated in Plan A annexed to these Particulars of Claim edged green. The full extent of the Common is delineated in Plan B annexed to these Particulars of Claim and coloured green.
2. The Claimant is entitled to bring this action pursuant to section 41 of the Commons Act 2006.
3. The Claimant confirms that the unlawful works have been undertaken by the Defendant since 1 October 2007.
[if applicable, include number 4:]
4. The Defendant is the registered owner of that part of the Common approximately edged in red on Plan A under title number (insert title number if registered).
5. On (insert date) the Common was finally registered under the Commons Registration Act 1965 as a common with registration number (insert commons registration number) by the (insert) County Council.
6. The Defendant has unlawfully and without consent of the Secretary of State as required by section 38 of the Commons Act 2006 erected or constructed or caused to be erected or constructed on the Common (insert nature of encroachment or obstruction eg. Fencing, gates, buildings, etc), and detailed on the aforementioned plan by black crosses, and as a result access to the Common is impeded.
7. The Defendant has wrongfully refused and continues to wrongfully refuse to remove any of the said (insert nature of encroachment or obstruction) from the Common.

AND the Claimant claims:

- a. an order under the Commons Act 2006, section 41 that the Defendant removes all of the said (insert nature of encroachment or obstruction) and restores the Common to a reasonable condition;
- b. (damages, however only include if loss can be established)

Statement of Truth

The Claimant believes that the facts stated in these Particulars of Claim are true.

Claimant
(insert Claimant's address for service)

To: The District Judge of the (insert) County Court and the Defendant.

IN THE (insert) COUNTY COURT CLAIM NO:

IN THE MATTER OF THE COMMONS ACT 2006 BETWEEN (insert) Claimant and
(insert) Defendant

PARTICULARS OF CLAIM

(insert Claimant's name)
(insert Claimant's address for service)