



**FIRST - TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **CHI/24UD/OAF/2014/0002 and 0003**

**Property** : **47 and 48 Victoria Road, Netley,  
Southampton, SO31 5DQ**

**Applicant** : **The Trustees of the Cenacle  
Charity Incorporated**

**Representative** : **Pothecary Witham Weld,  
Solicitors**

**Respondent** : **unknown**

**Representative** : **-**

**Type of Application** : **Enfranchisement : the Leasehold  
Reform Act 1967 ("the 1967 Act")**

**Tribunal Members** : **Judge P R Boardman (Chairman),  
and Mr A J Mellery-Pratt FRICS**

**Date and venue of  
Hearing** : **Decided on the papers without a  
hearing**

**Date of Decision** : **8 April 2014**

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**DECISION**

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**Introduction**

1. By two applications to the Southampton County Court issued on 21 October 2013 under claim numbers 3SO01054 and 3SO01055 the Applicant claimed orders under section 27 of the 1967 Act vesting the

freehold of the Property in the Applicant, having been unable to find or identify the freeholder

2. By two orders dated 13 January 2014 the Court :
  - a. expressed itself to be satisfied that in each case the Applicant :
    - was the tenant
    - had the right under Part I of the 1967 Act to acquire the freehold
    - was prevented from giving notice of the desire to do so because the identity of the person to be served with notice could not be ascertained
  - b. ordered that the Applicant should make an application to the Tribunal for a determination of the amount payable into court in accordance with section 9 of the 1967 Act, and a determination about the terms of the conveyance
3. The Applicant has asked the Tribunal to determine this matter on the papers without a hearing
4. The documents before the Tribunal are contained in two bundles, paginated 1 to 63 in the case of 47 Victoria Road, and 1 to 56 in the case of 48 Victoria Road

**Witness statement by Mrs Alexa Beale, solicitor, dated 18 October 2013 in claim number 3SO01054 relating to 47 Victoria Road**

5. Mrs Beale stated that the Applicant acquired the long leasehold interest in 47 Victoria Road in January 1999, being a term of 998 years from 25 December 1856 under an underlease dated 12 November 1858 and made between Alfred George Locke (1) and John Jarman Dovey (2). Part of the property demised by the underlease was registered under Title number HP272953, with a ground rent informally apportioned by an assignment dated 21 June 1966 as £4.25 a year, and part was registered under Title number HP276412, having been assigned on 4 December 1967 rent free
6. The Applicant was also the owner of the superior leasehold title, which was registered with good leasehold title under a lease dated 22 December 1857 for a term of 999 years from 25 December 1856 and made between George Degee and others (1), John James Burnett (2), and Robert Richie (3). It was believed that this superior lease was of the same land as was comprised in the underlease
7. The Applicant had received no contact from anyone claiming entitlement to the freehold interest, whether by way of seeking payment of ground rent or otherwise
8. It was no longer possible to identify what the rateable value would have been at the relevant dates in 1965, 1973 or 1974. However, it was reasonable to assume that the rateable value would have been no more than £200 on the appropriate day, so that the low rent test under

section 4(1) of the 1967 Act had been met, and the basis of valuation should therefore be under section 9(1) of the 1967 Act as originally drafted

**Witness statement by Mrs Alexa Beale, solicitor, dated 18 October 2013 in claim number 3SO01054 relating to 48 Victoria Road**

9. Mrs Beale made similar statements in relation to 48 Victoria Road as she had made in relation to 47 Victoria Road, except that the underlease relating to 48 Victoria Road was registered under Title number HP213585, with a ground rent informally apportioned by an assignment dated 1 September 1958 as £5.00 a year

**Valuation report by E J E Gould FRICS dated 10 October 2013 relating to 47 Victoria Road**

10. Mr Gould described 47 and 48 Victoria Road as a pair of semi-detached houses, built in the 19<sup>th</sup> Century and with later additions. They were constructed with rendered brickwork, with various tiled pitched roofs and flat roofs covered with mineral roofing felt. At some time in the past they had been interconnected by the forming of openings in the party wall. The original use was as two houses, but the Applicant's predecessor in title had used the property as a small private hotel. The Applicant acquired the property in 1999 and used it as a small convent. However, the Applicant had now carried out work to reinstate the property as two dwellings, including the building up of the openings in the original party wall, the provision of separate gas, water and electricity supplies, and the separation of heating and electrical installations. However, the Applicant had not modernised the sanitary or kitchen fittings, and had not carried out refurbishment, repairs or decoration
11. The accommodation in 47 Victoria Road comprised :
  - a. a sitting room on the lower ground floor
  - b. a utility room, cloakroom, garage, garden room and conservatory on the lower mezzanine floor
  - c. an entrance hall, sitting room and kitchen on the ground floor
  - d. two bedrooms, one with an en-suite shower room, on the upper mezzanine floor
  - e. two bedrooms and a bathroom on the first floor
  - f. a paved parking area at the front of the building, and a moderate sized garden at the rear
12. The property therefore met the definition of "house" under section 2(1) of the 1967 Act
13. The property was unique, with no direct comparables in the area. Smaller properties in Victoria Road had been sold during the last two years for sums varying from £169000 to £270000. Four-bedroom houses in other areas of Netley Abbey were on the market for asking prices between £350000 and £600000. Local agents had advised the Applicant to market 47 Victoria Road at an asking price of £449500, on

the assumption that a buyer would undertake the work necessary to modernise fittings and undertake repairs and decorations

14. After allowing for the added value which would result from that work, but also allowing for an expected reduction from the asking price, Mr Gould was of the opinion that the value of the freehold interest of 47 Victoria Road, after further modernisation, was £470000
15. It had not been possible to trace any records of the rateable value of 47 Victoria Road in 1965. However, for the detailed reasons set out in his report, Mr Gould was of the opinion that the rateable value would have been significantly less than £200 in 1965. The purchase price of the freehold should therefore be valued under section 9(1) of the 1967 Act
16. The lease of 47 Victoria Road had an unexpired term of 841 years, and it was therefore unrealistic to suppose that the existing building would be in existence at the end of the lease term. It was therefore necessary to consider the amount of a modern ground rent. The site value should be one-third of the capital value of the existing building (£470000), namely £155000. The ground rent would be 5% of that figure, namely £7755 a year. That figure had to be deferred for 841 years, which would result in an infinitesimal figure
17. The valuation for enfranchisement therefore had to be based on the current ground rent of £4.25 a year. Enfranchisement decisions indicated a capitalisation rate of between 4.75% for properties in London, to 6% elsewhere. Mr Gould had taken a rate of 5%, which resulted in a capital value of £85
18. In reality, the investment would not be of interest to any purchaser and the freehold interest would not be marketable, but it was reasonable to suppose that the sum of £85 represented the loss to the freeholder, if the freeholder could be found

**Valuation report by E J E Gould FRICS dated 10 October 2013 relating to 48 Victoria Road**

19. Mr Gould described the accommodation in 48 Victoria Road as comprising :
  - a. a family room and study on the lower ground floor
  - b. a bedroom, a bathroom and a store room on the lower mezzanine floor
  - c. a sitting room, kitchen and dining room on the ground floor
  - d. two bedrooms, one with an en-suite shower room, and the other with a en-suite cloakroom, on the upper mezzanine floor
  - e. three bedrooms, one with an en-suite bathroom, and a bathroom on the first floor
  - f. a paved parking area at the front of the building, and a moderate sized garden at the rear
20. Local agents had advised the Applicant to market 48 Victoria Road at an asking price of £499500, on the assumption that a buyer would

undertake the work necessary to modernise fittings and undertake repairs and decorations. After allowing for the added value which would result from that work, but also allowing for an expected reduction from the asking price, Mr Gould was of the opinion that the value of the freehold interest of 48 Victoria Road, after further modernisation, was £520000

21. It had not been possible to trace any records of the rateable value of 48 Victoria Road in 1965. However, for the detailed reasons set out in his report, Mr Gould was of the opinion that the rateable value would have been significantly less than £200 in 1965. The purchase price of the freehold should therefore be valued under section 9(1) of the 1967 Act
22. The lease of 48 Victoria Road had an unexpired term of 841 years, and it was therefore unrealistic to suppose that the existing building would be in existence at the end of the lease term. It was therefore necessary to consider the amount of a modern ground rent. The site value should be one-third of the capital value of the existing building (£520000), namely £173000. The ground rent would be 5% of that figure, namely £8650 a year. That figure had to be deferred for 841 years, which would result in an infinitesimal figure
23. The valuation for enfranchisement therefore had to be based on the current ground rent of £5.00 a year. Enfranchisement decisions indicated a capitalisation rate of between 4.75% for properties in London, to 6% elsewhere. Mr Gould had taken a rate of 5%, which resulted in a capital value of £100
24. In reality, the investment would not be of interest to any purchaser and the freehold interest would not be marketable, but it was reasonable to suppose that the sum of £100 represented the loss to the freeholder, if the freeholder could be found

**Supplementary valuation report by E J E Gould FRICS dated 13 February 2014 relating to 47 Victoria Road**

25. Mr Gould set out the comparable evidence used to support his valuation of £470000 dated 10 October 2013 :
  - a. a seven-bedroom house in Sellwood Road : asking price £650000, but detached, and larger than 47 Victoria Road
  - b. a four-bedroom house in Station Road : asking price £550000, but detached, although otherwise nearest in character to 47 Victoria Road
  - c. 75A Victoria Road : sold for £517630 in October 2012, but modern, and in a slightly better position than 47 Victoria Road
  - d. a four-bedroom Gashouse Hill (asking price £449950) and a four-bedroom house in New Road (asking price £329950) : modern, but giving a flavour of prices in the immediate vicinity
  - e. 67 Victoria Road : sold in 2013 for £215000, but a two-bedroom terraced house, and therefore much smaller than 47 Victoria Road

26. Mr Gould attached photographs of the various properties, including 47 Victoria Road

**Supplementary valuation report by E J E Gould FRICS dated 13 February 2014 relating to 48 Victoria Road**

27. Mr Gould set out the same comparable evidence, and confirmed his valuation of £520000

**The underlease dated 12 November 1858**

28. An abstract of the underlease is in the papers before the Tribunal. The term and ground rents are referred to in Mrs Beale's statements. There are, in the Tribunal's view, no other terms which affect the valuation under the 1967 Act

**Draft transfers**

29. Copies of the draft transfers in the papers before the Tribunal are attached to this decision as Appendix 1

**Inspection**

30. The Tribunal inspected the exterior of the properties mentioned by Mr Gould in his reports, namely Telemark House, Sellwood Road, 104 Station Road, 75A Victoria Road, Maple Croft, Gashouse Hill, 1 Abbey Mews, New Road, and 67 Victoria Road

31. The Tribunal then inspected 47 and 48 Victoria Road at 10.00 am on 8 April 2014. Also present was Mr Gould

32. The Tribunal accepts and adopts the helpful and detailed description of each property set out in Mr Gould's reports

**The Tribunal's decision**

**Enfranchisement qualifications**

33. The Tribunal accepts the reasoning set out in Mr Gould's reports in relation to the rateable values of 47 and 48 Victoria Road, and finds that the rateable value in each case is less than £200, and that the price payable in each case is therefore to be calculated in accordance with section 9(1) of the 1967 Act

**Valuation dates**

34. The Tribunal finds that in each case the valuation date for the purposes of the valuation exercise set out in section 9(1) of the 1967 Act is the date of the Applicant's application to the court, by virtue of sections 37(1)(d) and section 27(2) of the 1967 Act, which the Tribunal finds to be the issue date endorsed on the court claim form in each case, namely

21 October 2013

**Lengths of the remaining terms under the lease**

35. The Tribunal accepts the submissions in Mr Gould's reports in this respect, and finds that for the purpose of the valuation exercise under section 9(1) of the 1967 Act the length of the remaining term in each case is 841 years

**Capitalisation of the right to receive current ground rents for the remainder of the term of the lease in each case**

36. The Tribunal has noted Mr Gould's submission that the capitalisation rate should be 5%. Drawing on the Tribunal's collective knowledge and expertise in this respect, the Tribunal finds that in all the circumstances that is an appropriate rate in each case
37. The Tribunal accepts the Applicant's evidence that the that the landlord in each case is unknown, and that the Applicant has not paid, or been asked for, any rent in respect of either property for many years
38. However, the Tribunal finds that for for the purposes of the valuation exercise set out in section 9(1) of the 1967 Act the ground rents are payable, and the right to receive them therefore has to be capitalised as part of the purchase payable on enfranchisement
39. The Tribunal finds that price payable in this respect is £85 in the case of 47 Victoria Road, and £100 in the case of 48 Victoria Road case, as shown in the Tribunal's valuations in Appendix 2 to this decision

**Capitalisation of the right to receive modern ground rents under 50-year extended leases in each case pursuant to sections 14 and 15 of the 1967 Act deferred to the end of the unexpired current term**

40. The Tribunal finds, taking account of Mr Gould's submissions, and drawing on the Tribunal's collective knowledge and expertise in this respect, that at the valuation date :
- a. the value of the house and site at 47 Victoria Road was £470000, of which the value of the site itself was one third, namely £155100
  - b. the value of the house and site at 48 Victoria Road was £520000, of which the value of the site itself was one third, namely £173000

41. The Tribunal has noted Mr Gould's submission that for the purposes of arriving at a modern ground rent under section 15 of the 1967 Act in each case the decapitalisation rate should be 5%. Drawing on the Tribunal's collective knowledge and expertise in this respect, the Tribunal finds that in all the circumstances that is an appropriate rate in each case
42. The Tribunal has noted Mr Gould's submission that the modern ground rent capitalisation rate should be 5%. Again, drawing on the Tribunal's collective knowledge and expertise in this respect, the Tribunal finds that in all the circumstances that is an appropriate rate in each case
43. However, the Tribunal finds that the end of the lease is so remote that the value of the right to receive modern ground rents under 50-year extended leases in each case pursuant to sections 14 and 15 of the 1967 Act deferred to the end of the unexpired current terms is £Nil for 47 Victoria Road and £Nil for 48 Victoria Road

**The value of the freehold reversion in possession at the end of the 50-year extended leases in each case**

44. The Tribunal finds that it is appropriate to consider an addition in this respect to the price payable under section 9(1) of the 1967 Act. In making that finding the Tribunal has taken account of Mr Gould's submission that it would be unrealistic to suppose that the existing buildings would still be in existence at the end of the lease. However, the Tribunal finds that a buyer would take account of the fact that each house was already over 100 years old at the valuation date, and could therefore well still be standing at the end of the 50-year extended lease, and would include in his price an additional value over and above the capitalised ground rent and the capitalised modern ground rent
45. The Tribunal finds that the starting point in assessing the deferment rate in respect of the value of the freehold reversion in possession in each case is 4.75% in accordance with the decision of the Court of Appeal in **Sportelli** [2007] EWCA Civ 1042. However, taking into account the guidance of the Upper Tribunal in the case of **Zuckerman** LRA/97/2008, the Tribunal finds that in all the circumstances of the case :
  - a. it is appropriate to add an additional 0.25% risk premium to reflect the greater risk of deterioration in the Netley Abbey area compared with prime central London
  - b. there is no evidence before the Tribunal to indicate that the growth rates in the Netley Abbey area were at the valuation date significantly different from the growth rate figure of 2% taken into account in **Sportelli**, and the Tribunal makes no addition to the deferment rate in this case in that respect



c. the appropriate deferment rate is accordingly 5% in each case

46. The Tribunal has also considered the guidance in the Upper Tribunal decision in **167 Kingshurst Road** [2012] UKUT 4 (LC) and :

- a. assumes that schedule 10 to the Local Government and Housing Act 1989 would apply, so that the tenancy would continue after the 50-year extension until service of notice under paragraph 4 of the schedule
- b. finds that the lack of certainty of being able to obtain vacant possession would have a significantly depressing effect on the value of the freehold reversion deferred to the end of the 50-year extended leases in each case
- c. finds that, in the absence of any comparable evidence to indicate the scale of the appropriate reduction, a reduction of 20% is appropriate in each case
- d. the current value of the freehold reversion for the purpose of the calculation in each case is accordingly £376000 for 47 Victoria Road and £416000 for 48 Victoria Road

47. However, the Tribunal finds that the price payable for the value of the freehold deferred to the end of the 50-year extended leases is so distant as to have no value, and is £Nil for 47 Victoria Road and £Nil for 48 Victoria Road

### **Marriage value**

48. The Tribunal finds that the length of the unexpired term in in each case exceeds eighty years, and takes the marriage value to be nil in accordance with section 9(1E) of the 1967 Act

### **Total price payable**

49. The Tribunal finds that the enfranchisement price payable is accordingly £85.00 for 47 Victoria Road and £100.00 for 48 Victoria Road.

### **Draft transfers**

50. The Tribunal approves the forms of the draft transfers attached to this decision as Appendix 1, and initialled by the chairman, subject to the insertion of the price in each case in section 8

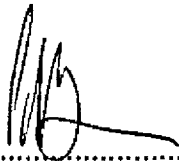
### **Transfer back to the County Court**

51. The Tribunal now transfers each matter back to the County Court

### **Appeals**

52. A person wishing to appeal against this decision must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case
53. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision
54. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to admit the application for permission to appeal
55. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result which the person is seeking

Dated 8 April 2014



.....  
Judge P R Boardman  
(Chairman)



**FIRST - TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **CHI/24UD/OAF/2014/0002 and 0003**

**Property** : **47 and 48 Victoria Road, Netley,  
Southampton, SO31 5DQ**

**Applicant** : **The Trustees of the Cenacle  
Charity Incorporated**

**Representative** : **Pothecary Witham Weld,  
Solicitors**

**Respondent** : **unknown**

**Representative** : **-**

**Type of Application** : **Enfranchisement : the Leasehold  
Reform Act 1967 ("the 1967 Act")**

**Tribunal Members** : **Judge P R Boardman (Chairman),  
and Mr A J Mellery-Pratt FRICS**

**Date and venue of  
Hearing** : **Decided on the papers without a  
hearing**

**Date of Decision** : **8 April 2014**

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**APPENDIX 1**

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Land Registry  
Transfer of whole of registered title(s)

TR1

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

1	Title number(s) of the property:
2	<b>Property:</b> 47 Victoria Road, Netley, Southampton SO31 5DQ  As shown edged red on the title plan to absolute leasehold title numbers HP272953 and HP276412
3	<b>Date:</b>
4	<b>Transferor:</b> [                      ] District Judge  <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:  <u>For overseas companies</u> (a) Territory of incorporation:  (b) Registered number in the United Kingdom including any prefix:
5	<b>Transferee for entry in the register:</b> THE TRUSTEES OF THE CENACLE CHARITY INCORPORATED (a body corporate under Part 12 of the Charities Act 2011)  <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:  <u>For overseas companies</u> (a) Territory of incorporation:  (b) Registered number in the United Kingdom including any prefix:
6	<b>Transferee's intended address(es) for service for entry in the register:</b>  Cenacle Sisters, Tithebarn Grove, Lance Lane, LIVERPOOL L15 6TW c/o Pothecary Witham Weld, 70 St George's Square, LONDON SW1V 3RD Cenacle Sisters, 25 Wolfe Crescent, Surrey Quays, London SE16 6SF
7	The transferor transfers the property to the transferee

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to Land Registry's Public Guide 18 – *Joint property ownership* and Practice Guide 24 – *Private trusts of land* for further guidance. These guides are available on our website [www.landregistry.gov.uk](http://www.landregistry.gov.uk)

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

8 Consideration

- The transferor has received from the transferee for the property the following sum (in words and figures):  
*[Insert sum]*
- The transfer is not for money or anything that has a monetary value
- Insert other receipt as appropriate:

9 The transferor transfers with

- full title guarantee
- limited title guarantee

10 Declaration of trust. The transferee is more than one person and

- they are to hold the property on trust for themselves as joint tenants
- they are to hold the property on trust for themselves as tenants in common in equal shares
- they are to hold the property on trust:

The Transferee is to hold the Property in trust for the charity for Roman Catholic purposes administered in connexion with the English Province of The Religious of Our Lady of the Retreat in the Cenacle and regulated by a Trust Deed dated 25th March 1964 ("the Charity"), a non-exempt charity, and the restrictions on disposition imposed by sections 117-121 of the Charities Act 2011 will apply to the Property (subject to section 117(3) of that Act)

11 Additional provisions

This transfer is subject, and with the benefit of the whole of leasehold title numbers HP272953 and HP276412 and HP287341, and that part of leasehold title number HP762283 which is the superior leasehold title for HP272953

The Transferee applies for entry of a restriction on the Transferee's title (in Standard Form E (non exempt charity – certificate required))

"No disposition by the proprietor of the registered estate to which sections 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

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee may also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to Land Registry's Public Guide 18 – *Joint property ownership* and Practice Guide 24 – *Private trusts of land* for further guidance.

## 12 Execution

Executed as a Deed by  
[insert name of District Judge]  
In the presence of:

Witness signature

Witness name

Address

Occupation

### WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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MO

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# Land Registry

## Transfer of whole of registered title(s)

# TR1

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).


Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

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2	Property: 48 Victoria Road, Netley, Southampton SO31 5DQ  As shown edged red on the title plan to absolute leasehold title number HP213585
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6	Transferee's intended address(es) for service for entry in the register:  Cenacle Sisters, Tithebarn Grove, Lance Lane, LIVERPOOL L15 6TW c/o Potheary Witham Weld, 70 St George's Square, LONDON SW1V 3RD Cenacle Sisters, 25 Wolfe Crescent, Surrey Quays, London SE16 6SF
7	The transferor transfers the property to the transferee

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Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

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- they are to hold the property on trust for themselves as joint tenants
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The Transferee is to hold the Property in trust for the charity for Roman Catholic purposes administered in connexion with the English Province of The Religious of Our Lady of the Retreat in the Cenacle and regulated by a Trust Deed dated 25th March 1964 ("the Charity"), a non-exempt charity, and the restrictions on disposition imposed by sections 117-121 of the Charities Act 2011 will apply to the Property (subject to section 117(3) of that Act)

11 Additional provisions

This transfer is subject, and with the benefit of the whole of leasehold title number HP213585, and that part of leasehold title number HP762283 which is the superior leasehold title for HP213585

The Transferee applies for entry of a restriction on the Transferee's title (in Standard Form E (non exempt charity - certificate required))

"No disposition by the proprietor of the registered estate to which sections 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



The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee may also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to Land Registry's Public Guide 18 – *Joint property ownership* and Practice Guide 24 – *Private trusts of land* for further guidance.

## 12 Execution

Executed as a Deed by  
*[insert name of District Judge]*  
In the presence of:

Witness signature

Witness name

Address

Occupation

### WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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**FIRST - TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **CHI/24UD/OAF/2014/0002 and 0003**

**Property** : **47 and 48 Victoria Road, Netley,  
Southampton, SO31 5DQ**

**Applicant** : **The Trustees of the Cenacle  
Charity Incorporated**

**Representative** : **Pothecary Witham Weld,  
Solicitors**

**Respondent** : **unknown**

**Representative** : **-**

**Type of Application** : **Enfranchisement : the Leasehold  
Reform Act 1967 ("the 1967 Act")**

**Tribunal Members** : **Judge P R Boardman (Chairman),  
and Mr A J Mellery-Pratt FRICS**

**Date and venue of  
Hearing** : **Decided on the papers without a  
hearing**

**Date of Decision** : **8 April 2014**

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**APPENDIX 2**

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**APPENDIX 2**

**VALUATION OF GROUND RENTS**

**47 Victoria Rd, Netley**

Ground Rent per annum  
YP 841 years at 5%

	4.5	
	20	
Value		85

**48 Victoria Rd, Netley**

Ground Rent per annum  
YP 841 years at 5%

	5	
	20	
Value		100