

The Manor of Spaunton

Guidelines on Procedures operated by the Court Leet

1. Applications for Encroachments

1.1. What constitutes an Encroachment?

Any action permanent or temporary which results in the loss of access to the surface of the Common by grazing animals or Common Right Holders. Examples include: fencing to exclude livestock, erecting of structures, storage of materials, signs, etc

1.2. How is an application made?

Applications need to be made in writing to the Foreman of the jury of the Court Leet (currently Mr James Welburn of Thorpe Farm, Appleton-le-Moors, York). The applicant should provide details of the property within the Manor to which the encroachment will relate, the applicant's full name and address and a plan of a suitable scale showing, with measurements if appropriate, what form the encroachment will take.

1.3. How and when are applications considered?

The Manor Court Leet (summoned at the behest of the Lord of the Manor) meets once a year usually on the first Thursday in October at the Manor House, Spaunton. Applications for new encroachments are considered by the Jury and their decision as whether they will be allowed and the level of fine to be paid will be communicated to the applicants in writing by the Steward of the Manor. There is no right of presentation by applicants at the Court Leet except in exceptional circumstances where they may be invited by the Steward to address the Court for the purpose of explaining their proposal. Encroachments which are approved by the Court are formally recorded on the Presentment which is the Court's formal record. Applicants and members of the general public may attend the Court Leet to observe the proceedings – space permitting.

1.4. How is the level of fine determined?

Fines are assessed on a purely discretionary basis but to provide guidance to applicants the general level of fines paid for various types of encroachment are shown in the attached schedule.

1.5. How often are the level of fines reviewed?

The last major review of fines took place in 1993. However, in 2006 the Court Leet resolved that with effect from 2007 all fines would be increased by the rate of inflation over the previous five years (about 15%) and this would be repeated again every five years. This was felt to be the fairest way to do this so everyone knows when and roughly by how much the level of fines alter. If inflation went up or down steeply a final decision would be made by the Court Leet Jury when the reviews are due to keep the figures "sensible".

1.6. What is the procedure if an applicant wishes to make an encroachment but cannot wait for formal approval at the next meeting of the Court?

In exceptional circumstances the Foreman of the Jury, after due consultation with other Jurymen, may be prepared to give approval for the applicant to proceed with the encroachment at their own risk subject to ratification by the full Court at its next meeting. In cases such as this, applicants may be expected to pay an initial fine of twice the general level for the particular type of encroachment they are making, but the actual amount payable remains at the absolute discretion of the Court.

1.7. For how long does consent from the Court Leet last after it has been granted if the encroachment is not made?

Consent from the Court Leet remains effective for two years from the date of the Court at which it was granted. If the proposed encroachment is not made within this period then the consent lapses and a new application to the Court must be made. If a change in ownership occurs before an approved encroachment is implemented, then the new owners must make a new application if the encroachment is still desired.

1.8. Temporary Encroachments

Repeat encroachments, timber stacking or material storage etc must be notified to both the Spaunton Estate and the Foreman of the Jury in advance. Any damage must be made good when storage/stacking removed or finished with. Subject to a £10 per month fine after the first 28 days.

1.9. Accesses

When improving/increasing accesses it should be noted that one permission is for one access for one property only and that an access cannot be split to a second property. Access granted is for approximately 12 foot wide openings. Anything in excess of this is fineable by approximate multiples of 12 foot.

2. Payment and Collection of Fines

2.1. When are fines due and how are they collected?

Fines are collected by the Bailiff and demands are sent out prior to the Court Leet each year. Fines are paid in arrears and payment is due at the Court Leet if not posted to or collected by the Bailiff or one of his appointed representatives prior to the meeting. Payments in cash can only be made directly to the Bailiff or to individual Jurymen appointed as collectors for each Parish. In case of difficulties please contact the Bailiff.

2.2. Are successive applications required for encroachments and for how long do fines remain payable?

Once consent has been given for an encroachment it may endure without further consideration by the Court Leet until such time as notice is given to the contrary. Fines remain payable annually until such time as the applicant gives notice to the Court Leet that the encroachment has been removed from the Common and this fact has been verified by members of the Jury with local knowledge and the full meeting of the Court Leet approved the removal of the fine from the Presentment.

2.3. What happens if a fine is not paid by the due date?

A reminder will be sent by the Bailiff giving the applicant an additional 14 days to pay the amount due; at the end of this period if the fine remains unpaid the details will be passed to the Steward for further action. Applicants may care to note that where fines remain unpaid for encroachments which continue on Common Land, and the property to which they relate is offered for sale, then the bailiff has standing instructions to notify the vendors and/or their selling agents of the current level of the debt and inform the Steward so that he may take further action.

3. Unlawful Encroachments

3.1. What happens if somebody makes an encroachment before making a formal application to the Court?

If a formal application is made for an encroachment which has already been made and the Court subsequently decides to give its approval for such an encroachment then the applicant may be

expected to pay an initial fine of 10 times the general level for that particular type of encroachment but the actual amount payable remains at the absolute discretion of the Court.

4. Role of the Bailiff to the Lord of the Manor of Spaunton

The Bailiff is appointed by the Lord of the Manor and is sworn in towards the beginning of the annual Court Leet for the ensuing year.

PRINCIPLE RESPONSIBILITIES

- Maintaining and updating the Presentment each year and ensuring that the fines, rents and other charges made by the Court are collected and accounted for each year. Notifying the Steward/Court of defaulters so that appropriate action can be taken.
- Preparing the accounts showing the collection of monies and the distribution of funds as directed.

IN ADDITION THE BAILIFF CARRIES OUT THE FOLLOWING ADMINISTRATIVE TASKS:

- Upon instructions from the Steward a month before each annual Court Leet issues summons to the Jury, Reserve Jurymen, Affearors and Pinder to attend the annual Court Leet.
- Prior to the 25th August each year to instruct/remind the Pinder to erect the ram notices on the Parish notice boards.
- On behalf of the Lord of the Manor to arrange the Manor Luncheon.
- As agent for the Lord of the Manor give permission for odd events, requests and different activities on the Common during the year, eg fêtes and other activities on the village greens.

IN SOME YEARS THE BAILIFF HAS ALSO:

- Assisted in convening any sub-committee meetings, eg graziers; fine/rent review; re-letting enclosures.

5. Jurymen

5.1. Selection

Jurymen are selected as far as possible to represent all Parishes in the Manor although this is not necessary and done by choice only. Those involved in their Parish Council or elected District/County Councillors are often included on the Jury. The Lord of the Manor advises the Bailiff which Jurymen to summons each year. In practice the Foreman of the Jury takes an active role in helping identify suitable Jurymen and ensuring enough are present for each Court.

5.2. Role/duties

Jurymen should be aware of any encroachments on to the Common in their Parish and bring any new encroachments or other relevant matters to the attention of the Court.

Jurymen should, prior to each Court Leet, ensure that they are briefed as to the situation in respect of any matter being brought before the Court in respect of their Parish, so that they can assist in presenting each case to the Court succinctly and accurately. Prior liaison with fellow Jurymen and other officers of the Court may be appropriate.

5.3. Foreman

At each Annual Court the Jury select one of their number to be their Foreman. The Foreman of the Jury oversees the roles of the Jurymen in all Parishes of the Manor.

6. Schedule of Levels of Payments

6.1. Fines

Agreed with effect from October 2017. (New level first collected on Presentment by October 2018).

<i>Pedestrian access</i>	<i>£8</i>
<i>Vehicular access</i>	<i>£16</i>
<i>Garden, car park etc</i>	<i>£30</i>
<i>Commercial sign</i>	<i>£16</i>
<i>Underground pipes/wires</i>	<i>£8</i>
<i>Potato garths</i>	<i>£8</i>

In October 2007 it was agreed that the rates of fines should be reviewed once every five years and increased by the rate of inflation over the preceding five years.

6.2. Enclosures

Agreed with effect from October 2017. (New level first collected on Presentment by October 2018).

Acreage payment:£40/acre for Moorland. £53/acre for all SDA/lowland.

6.3. Additional Sheep Gaits

Agreed with effect from October 2017.

<i>Extra Gaits</i>	<i>£2 per head</i>
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A series of temporary one-year reductions to £1 and £1.50 per head have run in recent years due to difficult market conditions for hill sheep.

Last updated November 2017