



In the Matter of Bathford Recreation Allotment,
Bathford, Avon.

DECISION

This reference relates to the question of the ownership of land known as Bathford Recreation Allotment, Bathford, being the land comprised in the Land Section of Register Unit No. VG 72 in the Register of Town or Village Greens maintained by the former Somerset County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Bathford Parish Council claimed to be the freehold owner of the land in question and Mr T V H Durrant, a member of the staff of the Commons, Open Spaces and Footpaths Preservation Society, claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bath on 13 July 1978.

At the hearing the Parish Council was represented by Mrs M K Cooper, its Clerk.

Mrs Cooper stated that she believed that the land in question was awarded in the Bathford Hill and Warleigh Common Inclosure Award made in 1869 as a public footway, but she was unable to identify it on a copy of part of the map referred to in the award which she produced. Mr Durrant, on the other hand, stated in a letter that the land was allotted and awarded to six several persons subject to the obligation of preserving the surface thereof in good condition and of permitting it to be at all times used for exercise and recreation by the inhabitants of the parish and neighbourhood.

In the absence of any clear evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register the Bathford Parish Council as the owner of the land under section 8(3) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

31st

day of

July

1978

CHIEF COMMONS COMMISSIONER