



COMMONS REGISTRATION ACT 1965

Reference No. 13/0/76

In the Matter of Mangotsfield Common,  
Mangotsfield, Kingswood District, Avon

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DECISION

This reference relates to the question of the ownership of land known as Mangotsfield Common, containing (according to the Register) about 1.5 acres, Mangotsfield, Kingswood District being the land comprised in the Land Section of Register Unit No. CL. 36 in the Register of Common Land maintained by the Avon County Council (formerly Gloucestershire 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 no person claimed to be the freehold owner of the land in question and no person 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 Bristol on 11 March 1976. At the hearing, Kingswood District Council were represented by Mr J Snell, assistant administrative officer.

Mr Snell who was from 1972 to 1974 clerk and for 4 years before 1972 deputy clerk of Mangotsfield Urban District Council (the registration was made on their application) in the course of his evidence said (in effect):- He has lived in the district all his life. The land ("the Unit Land") comprised in this Register Unit, is a triangular piece on the north side of and open to Northcote Road (from Downend to Bridgegate); north of the Unit Land, there are (or were) until they were pulled down and replaced under a housing scheme for old people a number of old (about 300 years) cottages. The Unit Land is an open space, a valuable amenity for all living in the nearby houses, and for others. Up to about 7 or 10 years ago, the Unit Land was laid out as a children's playground with slides and other such equipment, which fell into disrepair; the Unit Land having become dangerous for children (owing to the increase of motor traffic) and there being another safer playground nearby, the equipment was removed by the District Council. The Unit Land was included in the Scheme approved (on 24 September 1935) under the Commons Act 1899 and was subject to Byelaws made and approved (on 21 January and 16 March 1936) under the Scheme; these are shown on a notice board on the Unit Land. The Council has no title deeds relating to the Unit Land, but they and their predecessors have always maintained it; no lord of a manor or other person has ever claimed ownership.

After the hearing, Mr Snell sent me a print of the Byelaws for "the pieces of land, with the ponds, paths and roads thereon commonly known as Mangotsfield Commons situate in the parish of Mangotsfield Urban".

The situation of the Unit Land is such that it might always have been parish property, which would by operation of law devolve on the Council. If it was otherwise owned, in the circumstances described by Mr Snell, the owner would on the making of the 1936 Scheme or subsequently be likely to have made some claim. I infer from the evidence summarised above that the Council are in possession, and that it is practically certain that such possession will not be disturbed. Such possession is equivalent to ownership.



For these reasons I am satisfied that the Council are the owners of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register Kingswood District Council as the owners of the land under section 8(2) 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 30<sup>th</sup> day of March — 1976

A. A. Boston Fuller

Commons Commissioner