



COMMONS REGISTRATION ACT 1965

Reference No.32/U/34

In the Matter of the Village Green,
at the junction of Silver Street
and Station Road, Nailsea, Long
Ashton R.D., Somerset

DECISION

This reference relates to the question of the ownership of land known as the Village Green at the junction of Silver Street and Station Road, Nailsea, Long Ashton Rural District being the land comprised in the Land Section of Register Unit No.V.G.47 in the Register of Town or Village Greens maintained by the 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 Nailsea Parish Council claimed to be the freehold owner of the land in question and no other 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 Taunton on 6 December 1972. The hearing was attended by Nailsea Parish Council who were represented by Mr. H. Whitefield solicitor with Bevan Hancock & Co. solicitors of Bristol.

Mr. Whitefield who is 61 years of age and has resided in the parish of Nailsea since 1936, gave evidence. His firm has for many years acted as solicitors for the Council, and he on their behalf had been concerned with the business of the Council for the last six years. He produced a copy of a conveyance dated 31 January 1948 (he had seen the original, which is now held by the Council). By this conveyance after reciting that the Donor, Miss Fanny Emily Russell being the absolute owner of the property therein described in fee simple had agreed to convey the same to the Council "for the use of the Public at large and the Council had agreed to accept such conveyance", it was witnessed that the Donor conveyed the land therein described (being the land comprised in this Register Unit) to the Council in fee simple. The land is a triangular piece of grass land with a tree in the middle, surrounded on all sides by roads; it is a valuable amenity. Since Mr. Whitefield has known it, it has been (even before Miss Russell made her gift) an open space. The grass is regularly mowed under arrangements made by the Council.

On the evidence summarised above I am satisfied that the Council is the owner of the land, and I shall accordingly direct the Somerset County Council, as registration authority, to register Nailsea Parish Council as the owner 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

18th

day of

December

1972.

a. a. Baden Fuller