



In the Matter of Wick Green, Sutton Wick,
Bishop Sutton, Stoway Sutton, Avon.

DECISION

This reference relates to the question of the ownership of land known as Wick Green, Sutton Wick, Bishop Sutton, Stoway Sutton, being the land comprised in the Land Section of Register Unit No. VG 65 in the Register of Town or Village Greens maintained by the Avon 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 Mr G J Tibbs claimed to be the freehold owner of the land in question and Mr C T Orrell 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 21 July 1981.

At the hearing Mr C Hack, solicitor, appeared on behalf of the Stoway Sutton Parish Council, and I gave leave for Mr Tibbs to be represented by Mr S C Kelloway, his brother-in-law.

Mr Kelloway claimed that Mr Tibbs had acquired a possessory title to part of the land in question by having maintained it for many years. Mr Tibbs, however, applied for the registration of the right attached to his farm to graze 3 animals (class unspecified) on the part of the land which he had maintained. The registration of that right became final by a decision of a Commons Commissioner dated 14 January 1976. This is, by virtue of s.10 of the Commons Registration Act 1965 conclusive evidence that Mr Tibbs had such a right at the date of registration. It is not possible in law for a man to have a right of common over his own land, so it must follow that Mr Tibbs did not own the land at the date of registration, and there is no evidence that he acquired a possessory title which would, of course, have the effects of extinguishing his grazing right.

Mr Hack informed me that he had no evidence as to the ownership of the land.

On the evidence available 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 Stoway Sutton Parish Council as the owner of the land under section 6(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

30th

day of

1981