



COMMONS REGISTRATION ACT 1965

Reference No.1/U/42

In the Matter of Holy Well,
Stevington, Bedfordshire.

DECISION

This reference relates to the question of the ownership of land known as Holy Well, Stevington, being the land comprised in the Land Section of Register Unit No.C.L.9 in the Register of Common Land maintained by the Bedfordshire 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 one 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 Bedford on 12th and 14th February 1974.

At the hearing Mr. S.T. Morris, the Assistant Secretary of the Bedfordshire Association of Parish Councils, appeared for the Stevington Parish Council and the Stevington Parochial Church Council.

The land the subject of the reference adjoins the eastern side of Stevington churchyard. It lies at a lower level than the churchyard, which is 12ft 6ins high at its highest point. About 5ft from the foot of the wall is a foot-path leading from the end of Church Street to a gate into Boat Meadow. The well from which the land takes its name is in the wall and has a basin which projects as far as the foot-path. The wall is supported by three buttresses, which project into the strip of land between the wall and the foot-path for distances of 2ft 6ins, 3ft 6ins, and 4ft. These buttresses were built by the Parochial Church Council without permission and without objection from anyone.

Although the evidence is far from clear, I have come to the conclusion on the balance of probabilities that at some time the owner of the major part of the land in question made the foot-path on the westernmost boundary of his land and that the strip of land adjoining the wall forms part of the church property, which is vested in the incumbent for the time being.

For these reasons I am satisfied that the Vicar of Stevington is the owner of the strip of land 5ft wide, and I shall accordingly direct the Bedfordshire County Council, as registration authority, to register the Vicar as the owner of that part of the land in question under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference and it will therefore remain subject to protection under section 9 of the Act of 1965.



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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 5th day of March 1974

A handwritten signature in dark ink, appearing to read 'G. J. Lamb', written in a cursive style.

Chief Commons Commissioner