



COMMONS REGISTRATION ACT 1965

Reference No 2/U/79

In the Matter of the Gravel Pit,
Thatcham, Newbury R.D., Berkshire

DECISION

This reference relates to the question of the ownership of part of land known as the Gravel Pit, Lower Way, Thatcham, Newbury Rural District being the land comprised in the Land Section of Register Unit No CL.87 in the Register of Common Land maintained by the Berkshire County Council. The said part is the land which forms part of that comprised in this Register Unit, which is not registered under the Land Registration Acts 1925 to 1971 freehold under Title No BK 110945 and 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 Newbury Rural District Council in a letter dated 2 January 1973 claimed to be the freehold owner of the land in question and no other person claimed to be the owner or 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 Reading on 21 March 1973. The hearing was attended by Newbury Rural District Council who were represented by Mr J A Rowe their Deputy Clerk.

Mr Rowe produced a statutory declaration made 7 July 1972 by Mr B J Thetford clerk of the Council, who had then held that position for 4 years. He said that by the Thatcham Inclosure Award dated 6 November 1852 the land was vested in the Surveyor of the Highways of the Borough Tithing in the Parish of Thatcham and their successors, that by virtue of sections 25 and 67 of the Local Government Act 1894 it became vested in the Council, that the records of the Council's lands show that the Council have received the rents and profits up to 1963 and since then it had been let rent free and that the Council had been in full and undisturbed possession and enjoyment without any adverse claim during the period he had been clerk and previously thereto according to the said records.

Mr Rowe in his oral evidence said:- He had been Deputy Clerk for the last 4 years. The land is now flat grass land, used for grazing. Up to 1962 it was a pit - waste land; the Council filled it in and it is now let rent free to bring it back to reasonable agricultural land. It may by reason of its situation be of value for other purposes. There are houses on the west and north; the large piece of land on the east is part of an old pit about 6 feet below road level and owned by the Church Commissioners. The part registered under the Land Registration Acts is very small when compared with the rest.

On the evidence outlined above, I conclude that the Council is in possession of this land and that it is practically certain that their possession will never be disturbed. Possession in such circumstances being equivalent to ownership, I am therefore satisfied (notwithstanding that the Award was not produced or relied on) that the Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority under section 8(2) of the Act of 1965, to register Newbury Rural District Council as the owner of the part of the land comprised in this Register Unit and not registered under the Land Registration Acts.



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 29th day of March 1973

a. a. Boden Fuller

Commons Commissioner