



In the Matter of The Marsh or Broadway,  
Welford, Berkshire

DECISION

This reference relates to the question of the ownership of land known as The Marsh or Broadway, Welford, being the land comprised in the Land Section of Register Unit No CL 143 in the Register of Common Land maintained by the Berkshire 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 Newbury on 2 February 1978.

At the hearing the Welford Parish Council was represented by the Rev. S B Appleton, its Clerk. Mr Appleton informed me that his Council was not claiming to be the owner of the land in question, but that he believed that it belonged in 1933 to Sir Francis Burdett and that it had been sold in 1976 to Abbotstone Agricultural Property Unit Trust.

Inquiries of solicitors acting for the Trustees of the Abbotstone Agricultural Property Unit Trust elicited the information that the land in question was omitted from the transfer to the Trust when the property known as Weston Farm, Welford was purchased from Major F R D Burdett Fisher in November 1976, although it was intended to be conveyed. It was stated that a deed of rectification and a supplemental vesting assent were being prepared.

The last communication from the solicitors was dated 15 September 1980, since when letters from the Clerk of the Commons Commissioners dated 18 December 1980 and 6 May 1981 have remained unacknowledged.

In these circumstances I can only say that I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

17<sup>th</sup>

day of

July

1981