



COMMONS REGISTRATION ACT 1965

Reference No. 203/D/2

In the matter of 1.6 acres at
Taplow Railway station, Taplow,
Beaconsfield District, Buckinghamshire

DECISION.

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.143 in the Register of Common Land maintained by the Buckinghamshire County Council and is occasioned by Objection No. 84 made by British Railways (Western Region) and noted in the Register on 25 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Aylesbury on 15 January 1976. At the hearing British Railways Board (Western Region) were represented by Mr F W Woodroffe one of their senior engineering assistants, and Buckinghamshire County Council as registration authority were represented by Mr D M John solicitor in the County Secretary's Office.

The land ("the Unit Land") comprised in this Register Unit is a triangular piece (in the Register said to contain 1.6 acres) the tip of which lies on the north side of the Bath Road, and the base of which lies near the most northerly of the railway lines to the west of Taplow Railway Station, so that the Unit Land is crossed by the main West Region railway lines between Slough (Paddington) and Maidenhead (Reading).

The grounds stated in the Objection are (in effect) that the Unit Land is owned by the Railways Board and was not common land at the date of registration.

The Clerk of Taplow Parish Council in a letter dated 12 January 1976 said (in effect):- The basis of the registration by the previous clerk was the Taplow Inclosure Award by which a piece of land containing 3 roods 26 perches was (with other pieces of land) allotted to the Surveyors of the Highways for furnishing materials for new roads and ways within the Parish. He gathered that British Rail claimed to hold the deeds. Consequently if the deeds to be produced by British Rail reveal that the Surveyors of the Highways have no further interest in the land, the Parish Council (at its meeting last week) agreed to the withdrawal of the registration, if indeed it was a valid registration under the terms of the Inclosure Award.

Mr John said that the Award referred to is dated 8 February 1787 (made I suppose under the Taplow Inclosure Act 1779; 19 Geo.3.c.100).

Mr Woodroffe said (in effect):- The Unit Land is part of the London-Bristol railway line authorised by the Great Western Railway Amendment Act-1836 (the Company was incorporated by an Act of 1835). A widening of the railway was authorised by the Great Western Railway Act 1880. It may be that the Unit Land as delineated on the Register map is not the same as that allotted by the Taplow Inclosure Award.



Mr Woodroffe first produced the documents held by British Railways Board which showed that the Great Western Railway Company had acquired the Unit Land as delineated on the Register map:- (1) On the plan deposited in connection with the 1836 Act, the Unit Land is part of plot 13, described as "arable and gravel pit", as owned by "Rev Edward Neale (Patron Lord Chancellor)" and occupied by "R Briggishaw"; (2) by a conveyance dated 1 June 1837, the part (being all except a small piece at the northwest corner) of the Unit Land comprised in plot 13 was conveyed by the Rev E Neale to the Great Western Railway Company; (3) on the plan deposited in connection with the 1880 Act, the northwest corner piece of the Unit Land was part of plot 8 described as "chalk pit, road and rough ground", as owned by "Bishop of Oxford, Rev Charles Whately" and lessees and occupiers "James Rutland"; and (4) by a conveyance dated 5 August 1882 lands which included the northwest corner piece were conveyed by the Rev Charles Whately to the Great Western Railway Company.

On the assumption that the land allotted by the 1787 Award is a triangular piece near to and on the east side of the Unit Land, Mr Woodroffe produced a conveyance dated 25 March 1837 by which a triangular piece containing 3 roods 25 perches was conveyed by the Surveyors of the Highways within the Parish and Manor of Taplow to the Great Western Railway Company.

The use of the Unit Land for many years as part of the main line railway between London and the West is I think cogent evidence that at some time all rights which were granted by the 1787 Award and which might if they still exist have formed a basis for a proper claim for registration under the 1965 Act had been long ago extinguished. However in addition I am satisfied by the documents produced by Mr Woodroffe that all such rights were regularly extinguished in due course and in accordance with the compulsory purchase procedure applicable when the Great Western Railway Company built and extended their railway under the 1836 and 1880 Acts.

For these reasons I conclude that the Unit Land should not have been registered, and accordingly I refuse to confirm the registration.

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 22nd day of *January* — 1976

a. a. Baden Fuller

Commons Commissioner