



In the Matter of Mud Wharf, by Long Bridge,  
Iver, Bucks

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DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 226 in the Register of Common Land maintained by the Bucks 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 Iver Parish Council claimed to be the freehold owner of the land in question and no other person 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 Aylesbury on 22 February 1979.

At the hearing Iver Parish Council was represented by Mr D E Barlow, the Chairman of Iver Countryside Association, who was authorised by the Council to represent them.

The land in question ("the Register Unit") is a mud wharf, in area about .7 of an acre, at the edge of the river flowing through the parish. By an Award made in 1804 it was allotted "for the use of the inhabitants of the Parish of Iver for the purpose of watering cattle and of throwing mud out of the River Colne". The Award did not contain words expressly granting an estate in the Register Unit to any person, so as to create ownership. A Conveyance dated 17 August 1977 ("the 1977 Conveyance") was produced by which the Register Unit was conveyed to the Council by way of gift by Lowndes Productions Ltd, which it was recited in the Conveyance had acquired the property by a Conveyance of 19 February 1977.

Mr Barlow relied on the Award, and not the Conveyance, in support of the Council's claim and suggested that the Parish Council, after its establishment under the Local Government Act 1904, took over the Register Unit from the overseers; and he stated in evidence that the Council had managed the property and granted permission for the laying of pipes since about 1915. He said that the 1977 Conveyance had been taken to clear up doubts, the Lowndes Company having enclosed the Wharf about the year 1973 and assumed ownership: I note however, that this does not appear to be consistent with the recital in the 1977 Conveyance.

This approach, as I understood it, postulated the acquisition of ownership by the Council on its formation. There was no evidence of any such acquisition. There is a possible argument, though it was not expressly formulated by Mr Barlow, that the effect of the Award was to vest the Register Unit in the churchwardens and overseers by virtue of Section 17 of the Poor Relief Act 1819 (see *Wyld v <sup>Silver</sup> ~~Somer~~* 1963 Ch. 243 at pp. 270-1): in which case it would no doubt have passed to the Parish Council under Section 19 of the Rating Act of 1925 and the Overseers Order 1927. But in all the circumstances, I think it unnecessary to consider the merits of this possible argument, since (and in this I am not adopting Mr Barlow's approach) I see no reason why I should not rely on the 1977 Conveyance as sufficient evidence of ownership by the Council.



I shall accordingly direct the Bucks County Council, as registration authority, to register Iver Parish Council as the owner of the land under section 8(2) 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

5<sup>th</sup>

day of

July

1979

*L. J. Morris Smith*

Commons Commissioner