



In the Matter of Fingringhoe Ferry Hard and Landing,
Fingringhoe, Essex.

DECISION

This reference relates to the question of the ownership of land known as Fingringhoe Ferry Hard and Landing, Fingringhoe, being the part of the land comprised in the Land Section of Register Unit No VG 223 in the Register of Town or Village Greens maintained by the Essex 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 Mr G A Harding and the Colchester Borough Council claimed to be the freehold owners of parts 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 ~~Colchester on 30 November 1962.~~

At the hearing Mr Harding was represented by his wife, Mrs J Harding, the Colchester Borough Council by Mr M Peach, solicitor, and the Fingringhoe Parish Council by Mr C Taylor, its Chairman.

The land the subject of the reference is partly below and partly above the high water mark of ordinary tides in the River Colne, which is navigable at this point. The land below high water mark is therefore *prima facie* vested in the Crown. However, from time immemorial the former Colchester Corporation claimed to be the owners of the bed and soil of the River Colne and of its foreshore extending from North Bridge in the town of Colchester to Westnesse (otherwise known as "Colne Point") some three miles south of Brightingsea, thus including the part the subject of this reference.

Mr Peach produced a considerable body of documentary evidence relating to the claim of the former Corporation from the time of Richard I onwards, but it is not necessary for me to set out this evidence, since by a letter dated 25 November 1963 the legal adviser and solicitor to the Crown Estate Commissioners stated that upon the evidence produced by the Corporation the Commissioners were prepared to agree that the presumption of Crown ownership had been rebutted so far as concerned the area claimed, which included the land the subject of the reference below high water mark.

The western part of the land above high water mark was conveyed to Mr Harding by a conveyance made 27 January 1953 between (1) George Reginald Gifford (2) The Colchester Equitable Building Society (3) George Anthony Harding.

On this evidence I am satisfied that the Colchester Borough Council and Mr Harding are the owners of parts of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8(2) of the Act of 1965.



In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, and I shall accordingly direct the Essex County Council to register the Fingringhoe Parish Council as the owner of that part of the land under section 8(3) 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

10~~th~~

day of

December

1982

Chief Commons Commissioner