



In the Matter of Great Bentley Village Green,
Great Bentley, Essex.

DECISION

This reference relates to the question of the ownership of land known as Great Bentley Village Green, Great Bentley, being the land comprised in the Land Section of Register Unit No. VG 68 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 the personal representative of J H Fookes, deceased, claimed to be the freehold owner of part 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 16 March 1981.

At the hearing Mrs J M Fookes was represented by Mr W Lambert, solicitor, and the Great Bentley Parish Council by Mr D Holmes, solicitor.

A small part of the land in question, shown on an agreed plan put in by Mr Lambert and Mr Holmes, was conveyed to the late Mr Fookes by a conveyance made 14 December 1976 between (1) Ralph Ian Sidney Butler and Kenneth Frank Lord (2) James Harold Fookes. Mr Fookes died 10 May 1977 and letters of administration were granted to Mrs Fookes. After the hearing the part of the land owned by Mr Fookes was vested in Mrs Joan Mary Fookes, Miss Barbara Joan Fookes, and Mrs Rosalind Anne Lingard by an assent dated 27 March 1981 made by Mrs Fookes as the personal representative of Mr Fookes.

On this evidence I am satisfied that Mrs Fookes, Miss Fookes and Mrs Lingard are the owners of the small part of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register them as the owner of that part of the land under section 8(2) of the Act of 1965. In the absence of any 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 Great Bentley 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

3rd

day of

April

1981


Chief Commons Commissioner