



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/101

In the Matter of Layer Breton Heath
Layer Breton, Colchester B.C.

DECISION

This reference relates to the question of the ownership of land known as Layer Breton Heath, Layer Breton Colchester B.C. being the land comprised in the Land Section of Register Unit No. CL.13 in the Register of Common Land 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 Mrs T L Jones 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 Colchester on 25 and 26 July 1978.

Mr J W G Hoare consultant with Messrs. Bawtree and Sons appeared for Mrs Jones and he produced a conveyance dated 8 January made between H F Beaumont and J L Beaumont of the one part, and John Relf whereby all that the Manor as Lordship of Layer Breton together with all such commons and wastes as form part of the same were conveyed to John Relf. John Relf died on 20 October 1967 and Mrs T L Jones is his successor.

On this evidence I was satisfied that Mrs T L Jones is the owner of the Commons and waste in the Manor of Layer Breton and it remained for Mr Hoare to satisfy me that the land in question is parcel of that Manor.

Mr C E Partner gave evidence that his aunt sought and obtained permission to graze on the land in question from Mr Beaumonts solicitor as steward of the Manor and Mr Hoare produced a conveyance dated 22 June 1971 whereby she conveyed a small part of the land in question to Eastern Gas Board. On this evidence I was satisfied that the land in question is parcel of the Manor.

Mr Hoare originally claimed ownership of the whole of the land in question for Mrs Jones but when it was pointed out to him that she did not own the land conveyed to Eastern Gas Board, he stated that part of the land was owned by the church and further research revealed a grant and Release by J F Beaumont dated 24 May 1923 of the church land to the Ecclesiastical Commissioners for England. Mr Hoare further told me that a small strip of the land in question on its Eastern boundary is in the parish of Birch but that enquiries had been made of the Lord of the Manor of Birch who made no claim to that strip of land.

On this evidence I am satisfied that Eastern Gas Board is the owner of the Gas Board Land identified on plan A annexed to this decision which was annexed to the conveyance of 22 June 1971 and that the Ecclesiastical Commissioners for England are the owners of the church land identified on plan B annexed to this decision, which was annexed to the grant dated 24 May 1923 and that Mrs Jones is the owner of the remainder of the land in question.



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This decision is being sent to Eastern Gas Board and the Ecclesiastical Commissioners and if they agree in writing addressed to this office of the Commons Commissioners, I will direct the Essex County Council as the registration authority to register them and Mrs Jones as the respective owners of the above mentioned respective parts of the land in question under Section 8 (2) of the Act of 1965.

Perusal of the above mentioned documents revealed that the land in question is subject to a Scheme under the Commons Act 1899 brought into operation on 1st September 1948. If I understand the position the land in question is currently being administered by a de facto commons committee under a purported authority given by Mrs Jones, and the de facto committee was until the hearing ignorant of the said scheme.

In my view the de facto committee should procure a copy of the scheme and ensure that the common is regulated in accordance with the provisions of that scheme which has statutory force.

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 this decision is sent to him require me to state a case for the decision of the High Court.

Dated this

12th

day of

September

1978

Commons Commissioner