



COMMONS REGISTRATION ACT 1965

Reference No 212/U/144

In the Matter of part of Stanway Green,
Stanway, Colchester District, Essex

DECISION

This reference relates to the question of the ownership of land being part of that known as Stanway Green, Stanway, Colchester District and being the land comprised in the Land Section of Register Unit No VG240 in the Register of Town or Village Greens maintained by the Essex County Council of which no persons is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference (1) Mr S Skoumal of Curved Roof House claimed (letter of 12 July 1979) ownership, he having maintained this strip of grass land ever since his domicile at Stanway Green beginning in 1965; and (2) Colchester Borough Council claimed (letter of 25 July 1979) ownership as the successors of Lexden and Winstree Rural District Council who acquired it under a conveyance of 21 June 1963. No other person claimed to be the freehold owner of the land in question or 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 Chelmsford on 17 October 1979. At the hearing Colchester Borough Council were represented by Mr A Ciarvella solicitor in their Solicitor's Department.

Mr Ciarvella in the course of his evidence produced the said conveyance by which was conveyed to the Rural District Council of Lexden and Winstree land being OS No 463 containing 4.381 acres as delineated on the plan annexed.

My copy of the Register map shows the lands comprised in Register Unit Nos VG 147 and VG 240, the VG147 land being the greater part of that thereon marked "Stanway Green", and the VG240 land being a much smaller triangular piece adjoining on the east; on this map OS No 463 contains 4.629 acres, but this No apparently includes land not in either Register Unit. The 1963 conveyance plan although not the same as that on which the register map has been based shows that the lands intended to be conveyed are the same as those comprised in these two Register Units.

On this evidence I am satisfied that the Borough Council as successors under the Local Government Act 1972 of the Rural District Council are the owners of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register Colchester Borough Council as the owners of the land under section 3(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



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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 30th - day of March 1979

A. A. Baden Fuller

Commons Commissioner