



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/107

In the Matter of Three pieces of land forming  
part of Layer Breton Heath in the parishes of  
Layer Breton and Birch, Colchester B C

DECISION

This reference relates to the question of the ownership of three pieces of land forming part of Layer Breton Heath in the parishes of Layer Breton and Birch being the land comprised in the Land Section of Register Unit No. CL.168 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Colchester on 25 July 1978.

Mr J W G Hoare appeared for Mrs T L Jones, Mrs E M Thackray appeared in person and Mr E M Carter appeared on behalf of the Layer Breton Management Committee and as chairman of the Parish Meeting.

Mrs Jones claimed ownership by virtue of a conveyance dated 8 January whereby the Manor of Layer Breton was conveyed to John Relf and she claimed as his successor.

Of the three pieces of land comprised in this unit the piece adjoining Layer Breton Heath on its Eastern boundary is in the parish of Birch and was never part of the Manor of Layer Breton and I was told that the Lord of the Manor of Birch makes no claim to this land.

The two pieces of land adjoining Layer Breton Heath on its Northern boundary formerly a congregational Chapel, School room and burial ground were by an order of the Charity Commission dated 20 June 1922 vested in the Essex Incorporated Congregational Union and Mrs Thackray produced a conveyance dated 1st November 1977 whereby the Union conveyed to her the piece lying <sup>East</sup> on the West. Subsequent to the hearing I caused inquiries to be made from the Union as to whether it claimed ownership of the piece lying to the <sup>West</sup> East and the Union wrote that it had conveyed this piece to Mr W M de Zoate on 19 February 1923. I caused inquiry to be made of Mr de Zoate as to whether he claimed ownership of this piece and I have now heard that he has died and its Trustees do not wish to claim ownership.

On this evidence I am satisfied that Mrs E M Thackray is the owner of that part of the land claimed by her and I am not satisfied that any person is the owner of the remainder of land, and I shall accordingly direct the Essex County Council, as registration authority, to register Mrs E M Thackray as the owner of the land claimed by her under section 8 (2) of the Act of 1965 and the remainder of the land will remain subject to protection under section 9 of the Act of 1965.



-2-

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 December 1978

G A Little

Commons Commissioner