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COMMONS REGISTRATION ACT 1965

Reference No. 212/U/290

In the Matter of Tiptree Heath, Tiptree,  
Essex.

DECISION

This reference relates to the question of the ownership of land known as Tiptree Heath, Tiptree, being the land comprised in the Land Section of Register Unit No. VG.192 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 Tiptree Parish Council 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 8 December 1983. At the hearing the Parish Council was represented by Mrs C M Borgartz, one of its members.

By an agreement made, 6 October 1959 between (1) The County Council of Essex (2) The Parish Council of Tiptree it was recited that the Parish Council was the owner in fee simple of a triangular area of land in the north-eastern corner of the land the subject of the reference and it was agreed that the County Council would at its own expense plant trees on the triangular area. These trees were planted and have since remained. By a lease made 5 August 1976 between (1) The Parish Council of the Parish of Tiptree (2) The Scout Association Trust Corporation the Parish Council let to the Corporation for 21 years a small parcel of land within the triangular area.

On this evidence I am satisfied that the Parish Council is the owner of part of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register the Parish Council as the owner of that part 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 County Council to register the 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

16<sup>th</sup>

day of

December

1983

*[Signature]*  
Chief Commons Commissioner