



In the Matter of Upper Davercourt Green (parts)
Harwich, Tendring.

FURTHER DECISION

This reference relates to the question of the ownership of land known as Upper Davercourt Green (parts), Harwich, Tendring, being the land comprised in the Land Section of Register Unit No. VG.239 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 no person claimed to be the freehold owner of the land in question, but Mr A L Wilkinson 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 30 November 1982.

There was no appearance at the hearing.

In the absence of any evidence I was not satisfied that any person is the owner of the land, and I accordingly directed the Essex County Council, as registration authority, to register the Harwich Town Council as the owner of the land under Section 8 (3) of the Act of 1965.

On the application of the Tendring District Council made with the written consent of the Harwich Town Council, I reopened the hearing at Colchester on 8 December 1983. On this occasion the District Council was represented by Miss R Tovey, its legal assistant.

The land in question was conveyed to the former Harwich Corporation by an indenture made 16 May 1924 between (1) Arthur Nathaniel Garland, Lord of the Manor of Davercourt (2) Thomas Swynfen Parker-Jarvis and Henry Richards (3) The Mayor, Alderman, and Burgesses of the Borough of Harwich. The land was transferred to the Harwich Town Council by the Local Authorities (England) (Property etc) Order 1975 (S.I. 1975 No. 1861) and was conveyed by the Town Council to the District Council by a deed of gift made 6 September 1978.

On this evidence I am satisfied that the District Council is the owner of the land, and I shall accordingly amend my previous direction to the Essex County Council.

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

15th

day of

December

1983


CHIEF COMMONS COMMISSIONER