



In the Matter of Two additional pieces  
of land at Brockridge Common, Twyning

Decision

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. ~~CL~~CL394 in the Register of Common Land maintained by the Gloucestershire 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 Mr Bryan Christopher Ball claimed to be the freehold owner of the land in question ("the unit land"): no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question *of ownership* of the land at Cheltenham on 13 November 1985.

At the hearing Mr D Bloxham, solicitor, of the firm of Thomson & Badham, appeared on behalf of the Claimant, Mr Ball. There was no claim by any other person present.

The Unit Land consists of two small areas, separated by the M50 motorway, and lying on either side of the junction of the M50 and A38. The main area of Brockridge Common, of some 300 acres, is registered as Unit No. CL.265 and in the ownership of Mr Ball. CL.265 is now physically divided, at the same junction, by the M50, and the two areas forming the unit land are now separated from the two parts of the CL.265 by the roadways constructed at the junction. From the plans and register maps which I have seen, it appears reasonably plain that the unit land has always been and still is part of Brockridge Common, the ownership of which has not been affected by the separation of part ~~of~~ the unit land, by road construction or by registration of that part as a separate unit of common land.

By a Deed of Gift dated 16 February 1966 Charles Ball conveyed to his son the Claimant the Manor or lordship of Twyning together with all manorial rights in the Commons known as (inter alia) Brockridge ... being part of the said Manor, including in particular 100 sheep pastures on Brockridge Common. Charles Ball had acquired the Manor by virtue of a Conveyance on sale to him dated 20 March 1946 in which the parcels were described by similar wording; the Vendor was Bishop Maxwell-Gumbleton, who made a Statutory Declaration dated 12 March 1946 deposing to his ownership of the Manor of Twyning and to the fact that his manorial rights extended over (inter alia) Brockridge Common. Having regard to the provisions of Section 62 (3) Law of Property Acts 1925, ~~as the effects~~ of a Conveyance of a Manor, these two Deeds in my view operated to convey the land of Brockridge Common.



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There are memoranda endorsed on each of the Deeds, evidencing grants by Charles Ball and after 1966 by the Claimant, constituting Acts of Ownership in regard to Brockeridge Common. These included grants of easements and conveyances of small pieces of the Common to the County Council and of sizeable areas to the Minister of Transport, apparently for the purposes of the motorway.

On the evidence I am satisfied that Bryan Christopher Ball is the owner of the unit land, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register him as the owner under section 8 (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 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

22 May

1986

*L. J. Morris Smith*

Commons Commissioner