



COMMONS REGISTRATION ACT 1965

Reference No. 59/U/29

In the Matter of Part of the Bed of the River Wandle,
Sutton, Greater London.

DECISION

This reference relates to the question of the ownership of land forming part of the bed of the River Wandle, Sutton, being the land comprised in the Land Section of Register Unit No.C.L.155 in the Register of Common Land maintained by the Greater London 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 and no one 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 Watergate House, WC2N 6LB on 30th April 1974.

At the hearing Mr. M.J.Boon, solicitor, appeared for the Council of the London Borough of Sutton.

Although the notice of reference specifies the whole of the land comprised in the Register Unit, the certificate of result of the official search of the index map at the Land Registry made by the registration authority shows that only a very small portion of the land is not registered under the Land Registration Acts 1925 and 1936. I shall therefore treat the reference as though it related only to that small portion of unregistered land.

The registration in the Land Section of the Register Unit was made by the registration authority without application because the Town Clerk and Solicitor of the London Borough of Sutton had applied for the registration of a right of piscary attached to land in Carshalton adjoining the River Wandle. Mr.Boon produced the conveyance under which his Council hold their land. By virtue of the usual presumption the Council can be taken to be also the owner of half the bed of the river where it adjoins the Council's land. The land comprised in the Register Unit is the other half of the bed of the river. Mr.Boon informed me that what the Council was really concerned about was the right of piscary and not the ownership of the bed of the river. Indeed, it would appear that the right of piscary which, being undisputed, has become final is inconsistent with the ownership of the land over which it is exercisable.

For these reasons I am not satisfied that any person is the owner of the land properly included in the reference and it will therefore remain subject to protection under section 9 of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations



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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 23rd day of May 1974

A handwritten signature in cursive script, appearing to read 'C. D. Lambie', written in dark ink.

Chief Commons Commissioner