



In the Matter of St Helen's Green, Ryde,
Isle of Wight

DECISION

This reference relates to the question of the ownership of land known as St Helen's Green, Ryde, being the land comprised in the Land Section of Register Unit No. CL 20 in the Register of Common Land maintained by the Isle of Wight 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 Medina Borough 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 Ryde on 15 May 1981.

At the hearing the Medina Borough Council was represented by Mr S. Matthews, Solicitor.

The land in question is the subject of a scheme made under the Commons Act 1899 on 17 September 1906 and to by-laws made by the former St Helen's Urban District Council on 30 August 1907. It has since been used as a public open space and no question has arisen as to its ownership. It seems to have been generally assumed that the land belonged to the Council. For example, in 1924 the Council allowed the owner of a house known as "Twysden" to have a footpath across the land, and when in 1939 the Ryde Borough Council sealed some wells on the land the only objectors were some local residents. The Borough Council has levelled and reseeded part of the land and has placed and maintained seats, litter bins, and direction signs without any objection from anyone claiming to be the owner of the land. In my view, the Council has been in possession of the land for a sufficient time to enable me to say that I am satisfied that it is the owner of the land, and I shall accordingly direct the Isle of Wight County Council, as registration authority, to register the Medina Borough Council as the owner of the land 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 this

21st

day of

May

1981


 Chief Commons Commissioner