



COMMONS REGISTRATION ACT 1965

Reference No.19/U/36

In the Matter of Badlesmere Lees,
Badlesmere, Kent.

DECISION

This reference relates to the question of the ownership of land known as Badlesmere Lees, Badlesmere, being the land comprised in the Land Section of Register Unit No.CL 66 in the Register of Common Land maintained by the former Kent 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 Personal Representatives of George Henry, 4th Earl Sondes claimed to be the freehold owners 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 Canterbury on 29th July 1975.

At the hearing the Personal Representatives of the late Lord Sondes were represented by Mr S.J.Sher, of counsel.

A small portion of the land comprised in the Register Unit is registered under the Land Registration Acts 1925 and 1936 under Title No.K 38745, and therefore does not fall within this reference.

The available history of the land which does fall within the reference begins with the Tithe Apportionment for the parish of Badlesmere and Leaveland made in 1840. The land is there stated to be waste and to belong to the lord of the manor. The present condition of the land, i.e. open, uncultivated, and unoccupied, is consistent with its still being waste land of the manor.

The root of title of the Personal Representatives is a vesting deed made 8th July 1926 between (1) Francis William George Gore and Gwyn Venables Hordern (2) Lewis Arthur, 3rd Earl Sondes. The land in question is shown uncoloured on the plan attached to that deed, though it adjoins land which is coloured. However, the parcels of the deed include the manor of Badlesmere. By virtue of section 62(3) of the Law of Property Act 1925 the conveyance of the manor was deemed to include and operated to convey (inter alia) the wastes of the manor. In my view, the land in question was waste of the manor of Badlesmere and was thereby conveyed.

On 10th November 1938 Mr G.V.Hordern and Mr Christopher Gore became the trustees of the settlement, Mr F.W.G.Gore having died on 17th July 1938, and by a vesting assent made 20th August 1941 between (1) G.V.Hordern and C.Gore (2) George Henry Earl Sondes the manor became vested in the 4th Earl.



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On this evidence I am satisfied that the Personal Representatives of the 4th Earl are the owners of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register them as the owners 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 14th day of August 1975

A handwritten signature in black ink, appearing to read 'G. D. L. Quibb', written in a cursive style.

Chief Commons Commissioner