



COMMONS REGISTRATION ACT 1965

Reference No. 219/U/63

In the Matter of Land at and part of Sevenoaks
Weald, Kent

DECISION

This reference relates to the question of the ownership of land at and part of Sevenoaks Weald being the land comprised in the Land Section of Register Unit No. CL 56 in the Register of Common Land maintained by the Kent County Council of which no person is registered under section 4 of the Common Registration Act 1965 as the owner. It appears that one of the four pieces of land originally included in the registration has now been excluded.

Following upon the public notice of this reference the Knole Estate Trustees 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 Maidstone on 7 February 1979.

At the hearing Mr B H Edwards, the former clerk of Sevenoaks District Council, appeared on behalf of the Knole Estate Trustees, and also on behalf of the District Council.

From plans produced by Mr Edwards it appeared that the pieces of land comprised in the Register Unit were in 1925 part of the Knole Estates, and were also included in Commons regulated by a Scheme made on October 1925 under the Commons Act 1899. By the Scheme the management of the Commons was vested in the Sevenoaks Rural District Council, but it was provided that the rights of the person entitled as Lord of the Manor or otherwise to the soil of the Commons or of any person claiming under him were not to be prejudiced or affected.

Mr Edwards was from 1939 to 1954 Deputy Clerk and then Clerk to Sevenoaks Rural District and stated that from his knowledge of the matter the land was at all material times vested in Lord Sackville and now in the Estates trustees. No documentary evidence was available at the hearing, but I have since been provided with certified copies or abstracts of (1) Vesting Deed dated 20 March 1926 (2) Vesting Assent dated 11 July 1928 (3) Vesting Assent dated 16 August 1968 (4) Deed of Discharge dated 17 August 1968. These show the devolution of the title to the Trustees of Knole Estate lands in Kent, but I cannot satisfactorily identify the Register Unit Land as being included in those Estate lands. The first two documents contain a general description of the Kent property, but more importantly the 1968 Vesting Assent contains a Schedule with details of the various Kent properties none of which, so far as I can see, relate to the Register Unit land, nor have I been referred to anything in the Schedule which it is alleged describes that land. There are plans annexed to the 1968 Vesting Assent, but I have not been furnished with copies of these.



On this evidence I am not satisfied that any person is the owner of the land, 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 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

11th

day of

April

1979

L. J. Morris Smith

Commons Commissioner