



COMMONS REGISTRATION ACT 1965

Reference No 219/U/91

In the Matter of land at the entrance
to St Mary's Church, Newington, Swale District,
Kent

DECISION

This reference relates to the question of the ownership of land at the entrance to St Mary's Church, Newington, Swale District being the land comprised in the Land Section of Register Unit No CL. 152 in the Register of Common Land maintained by the 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 Mrs K Metters claimed that the land is part of Church Farm given to her by her father. No other person claimed to be the freehold owner of the land in question or 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 Sittingbourne on 19 May 1976. At the hearing Mrs Metters was represented by her husband Mr A W Metters.

Mr Metters in the course of his evidence produced: two abstracts dated 1931 of the title of Mr G A Walsh, a conveyance dated 24 November 1931 by Mr Walsh to Mr W Hambrook and Mr F Hambrook, an appointment dated 3 April 1948 of Mrs E M Hambrook as trustee in place of Mr W Hambrook who died 30 October 1947, a deed of gift dated 1 October 1961 by Mr F Hambrook with the consent of Mrs E M Hambrook in favour of Mrs Metters, an appointment dated 3 October 1974 of Mrs Metters as trustee in place of Mr F Hambrook who died 29 March 1962, and a deed of gift dated 12 November 1974 by Mrs E M Hambrook in favour of Mrs Metters.

Mr Metters said in effect:- Mr F Hambrook and Mr W Hambrook were brothers. Mr F Hambrook was the father of Mrs Metters, and Mrs E M Hambrook is the widow of Mr W Hambrook. The land ("the Unit Land") comprised in this Register Unit is a strip between Church Lane and the entrance to the Church. It is flint cobbled; he understood the flints were available because years ago the Unit Land or the land nearby was used as a depot for carrying the stone used in the construction of the Chatham and North Kent Railway.

Under the documents produced by Mr Metters, the title to the legal estate in Church Farm devolves regularly from Mr Walsh to Mrs Metters. On the plan drawn on the 1931 conveyance, the Unit Land is included in the land conveyed, being thereon marked "Rights of Way"; the conveyance is "Subject ...to the... right of the owner or owners...of the adjoining property in common with the public to pass and repass over and along the rights of way shown on the said plan".



On the evidence outlined above I am satisfied that Mrs Metters is the owner of the Unit Land and I shall accordingly direct the Kent County Council as registration authority to register Mrs Kate Metters of Tomlyn Cottage, Newington 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 25th day of May —

1976

a. a. Baden Fuller

Commons Commissioner