



COMMONS REGISTRATION ACT 1965

Reference No 219/U/64

In the Matter of part of Halling Common,
Halling, Medway District, Kent

DECISION

This reference relates to the question of the ownership of part of Halling Common, Halling, Medway District, Kent being the land comprised in the Land Section of Register Unit No CL. 126 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 The Associated Portland Cement Manufacturers Limited (A.P.C.M.) 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 Sittingbourne on 20 May 1976 and at London on 27 October 1976. At both hearings A.P.C.M. were represented by Mr J Garbutt their solicitor. At the May hearing, I adjourned the proceedings without hearing any evidence or argument (no time available). Mrs Wilks on whose application the registration was made, in a letter to the Clerk of the Commons Commissioners said (in effect) that she had made enquiries and had no information which would assist.

The land ("the Unit Land") comprised in this Register Unit is (according to the Register map) a narrow crescent shaped piece about 600 yards long being bounded on the east by the River Medway and on the west by a piece of land which contains about 22 acres, which is known as Halling Common and which is comprised in the Land Section of Register Unit No CL. 9 in the Register of Common Land. The CL. 9 land was the subject of a decision dated 16 April 1973 given by the Chief Commons Commissioner after a hearing lasting 5 days in the course of which he heard much evidence; he concluded that A.P.C.M. was owner of the CL. 9 land, because, having considered (among other documents) a conveyance dated 12 October 1928 by which Mr G K Anderson was expressed to convey to A.P.C.M. 679 acres of land, including the CL. 9 land, the evidence showed that their predecessors in title had acquired a possessory title to the CL. 9 land.

Evidence before me was given by Mr A C Lee, articulated clerk to Mr E W T Dalkin, a solicitor with A.P.C.M., in the course of which he produced the said 1928 conveyance; on the plan annexed to it the CL. 9 land is coloured pink and the Unit Land, and some other land north of it by the side of the River Medway is coloured pink hatched red, and the parcels of the conveyance include the words: "Together with such rights, if any, as belong to the Vendor in the piece of foreshore indicated by the colour pink and red crossed lines on the said plan".

Mr Garbutt produced the OS map 25 inches = 1 mile, which shows the east boundary of the Unit Land as the high water line of the River.



On this evidence I am satisfied that A.P.C.M. are the owners of the Unit Land, and I shall accordingly direct the Kent County Council as registration authority to register the Associated Portland Cement Manufacturers Limited of Portland House, Stag Place, London SW1 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 29th day of October — 1976

a. a. Baden Fuller
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Commons Commissioner