



In the Matter of Rodmersham Green, Rodmersham, Kent.

DECISION

This reference relates to the question of the ownership of land known as Rodmersham Green, Rodmersham, being the land comprised in the Land Section of Register Unit No. VG 166 in the Register of Town or Village Greens 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 Leslie Doubleday Ltd claimed to be the freehold owner of the land in question and the Rodmersham Parish Council 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 26 March 1981.

At the hearing Leslie Doubleday Ltd was represented by Mr L Skingley, solicitor, and the Rodmersham Parish Council by Mr D Allen, its clerk, and Mrs A Wilks, the applicant for the registration in the Land Section of the Register Unit, appeared in person.

The land comprised in the Register Unit consists of three areas - a large piece to the north, a smaller piece to the south, and a small triangular piece between them. There was no evidence as to the ownership of the latter two pieces. Therefore, I am not satisfied that any person is the owner of those parts of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register the Rodmersham Parish Council as the owner of those parts under section 8(3) of the Act of 1965.

What I have termed "the large piece" was registered at Entry No. 1 in the Land Section of Register Unit No. CL 106 in the Register of Common Land maintained by the County Council on 7 May 1969: Leslie Doubleday Ltd was registered in the Ownership section of that Register Unit as the owner of the large piece of land on the same day. There was no objection to the registration in the Ownership section. It did not, however, become final, when the Objection period expired, because the land was registered in the Register of Town or Village Greens on 16 January 1970.

The registration in the Ownership section of the Register of Common Land was deemed also to have been made in the Register of Town or Village Greens by virtue of Reg. 14(1) and (2)(b) of the Commons Registration (General) Regulations 1966 (S.I. 1966 No. 1471). There were thus two ownership registrations, one of them actual and the other deemed, and both of them at that stage provisional.

The disputes occasioned by the conflict between the registrations in the Land sections of the two Register Units were referred to a Commons Commissioner, and on 21 August 1976 Mr Commissioner Baden Fuller confirmed the registration in the Land Section of the Register of Town or Village Greens and refused to confirm the registration in the Land section of the Register of Common Land. There being no appeal against this decision, it in due course became final.



When the registration of the large piece of land as common land was cancelled, it became the duty of the County Council as registration authority to transfer the ownership registration from the Register of Common Land to the Register of Town or Village Greens in accordance with Reg. 14(4) of the 1966 Regulations, as amended by Reg. 8(7) of the Commons Registration (Objections and Maps) Regulations 1968 (S.I. 1968 No. 989). The objection to the ownership registration deemed to have been caused by the conflict between the two land registrations would then be deemed to have been withdrawn by virtue of Reg. 7(1)(b) of the Commons Commissioners Regulations 1971 (S.I. 1971 No. 1727). Thereupon, the transferred ownership registration would become final under s.7(1) of the Commons Registration Act 1965.

Meanwhile, although the steps prescribed by the various regulations have not yet been taken, there is still deemed to be a registration, albeit a provisional registration, of the ownership of the large piece of land in the Register of Town or Village Greens. Therefore, the case does not fall within s.8 of the Act of 1965 so far as that land is concerned, and I have no jurisdiction to give any direction to the County Council with regard to the ownership of the large piece of land claimed by Leslie Doubleday Ltd.

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

3rd

day of

April

1981

Chief Commons Commissioner