



COMMONS REGISTRATION ACT 1965

Reference No. 219/U/84

In the Matter of The Freedown, Hawkshill,  
Walmer, Deal, Kent

SUPPLEMENTARY

DECISION

This reference relates to the question of the ownership of land known as The Freedown, Hawkshill, Walmer, Deal, being the part of the land comprised in the Land Section of Register Unit No. CL.125 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Maidstone on 2 June 1979.

For the reasons given in my decision dated 25 June 1979 I was satisfied that Mr Wilfred Rutley Mowll was the owner of the land at that date and I stated that I would accordingly direct the Kent County Council to register Mr Mowll as the owner of the land.

However, it has been brought to my notice that since the date of my decision two events have occurred, namely, (1) the land in question was conveyed to Mr Frederick Leith on 4 July 1979, and (2) Mr Mowll died on 5 August 1979.

Since under S.8 (2) of the Commons Registration Act 1965 I can only direct the County Council to register a person as the owner of land if I am satisfied that such person is the owner, I am now unable to direct the County Council to register Mr Mowll as the owner of this land, as I was minded to do on 25 June 1979.

In view of the circumstances which have supervened, I shall direct the County Council, as registration authority, to register Mr Frederick Leith 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

2nd

day of

November

1979

Chief Commons Commissioner