



COMMONS REGISTRATION ACT 1965

Reference No 219/U/59

In the Matter of The Green,
Milstead, Swale District, Kent

DECISION

This reference relates to the question of the ownership of land known as The Green, Milstead, Swale District being the land comprised in the Land Section of Register Unit No VG. 206 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 no person claimed to be the freehold owner of the land in question and no 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 19 May 1976. At the hearing: (1) Milstead Parish Council were represented by Mrs J A D Whittaker; (2) Miss E Kissick, on whose application the registration was made, attended in person; and (3) Swale District Council were represented by Mr C A Hufton one of their Senior Legal Assistants.

The land ("the Unit Land") comprised in this Register Unit is a small triangular piece at the road junction just north of the Church.

Mrs Whittaker said (in effect):- There is on the Unit Land a very old cedar tree. She understood from Mr R C Boucher that the Unit Land comes within his deeds. However the Rural District Council have for some years maintained it. The Parish Council has been newly formed under the name Milstead with Kingsdown Parish Council, and the new councillors will be meeting on 21 May (2 days after the hearing).

Mr Hufton said that his Council had no record of the Swale Rural District Council having owned the Unit Land.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register Milstead with Kingsdown Parish Council as the owner of the land under section 8(3) 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 27th day of May —

1976

a. a. Bacon Jukes

Commons Commissioner