



COMMONS REGISTRATION ACT 1965

Reference No.19/U/29

In the Matter of The Green,
Yalding, Kent.

DECISION

This reference relates to the question of the ownership of land known as The Green, Yalding, being the land comprised in the Land Section of Register Unit No.C.L.42 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 no person claimed to be the freehold owner of the land in question and no one 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 16th and 17th January 1974.

At the hearing Mr. P. Bracher, solicitor, appeared for the Yalding Parish Council.

The land in question is situate in the village of Yalding and has on it an old building formerly used as a lock-up. The Parish Council has spent money on repairs to the lock-up and has given permission to the Kent County Council to use it as a store in return for cutting the grass on the land. There is also on the land a war memorial, which is maintained by the Parish Council. The minutes of the Parish Council since 1928 record a number of instances in which the Council has acted in ways inconsistent with the ownership of the land by any other person, such as by erecting a sign post to warn vehicles to keep off the land, repairing paths, and granting permission to a building contractor to lay drains across part of the land.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register the Yalding Parish Council 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 1st day of February 1974


Chief Commons Commissioner