



COMMONS REGISTRATION ACT 1965

Reference No 30/U/24

In the Matter of the Old Windmill Site,
Manton, Oakham R.D., Rutland

DECISION

This reference relates to the question of the ownership of land known as the Old Windmill Site (situated on the southside of the road leading from Manton to Edith Weston), Manton, Oakham Rural District being the land comprised in the Land Section of Register Unit No CL.2 in the Register of Common Land maintained by the Rutland 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 Oakham Rural District Council claimed to be the freehold owner 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 Oakham on 8 May 1973. The hearing was attended by Oakham Rural District Council who were represented by Mr R L Francis their clerk.

Mr Francis who has been employed by the District Council since 1946 and been their clerk since 1952 in the course of his evidence produced a conveyance dated 7 March 1956 and a statutory declaration made by Mr N W Nyilassy (clerk of the Manton Parish Council) on 29 September 1955. The land ("the Unit Land; in the Register said to be O.S. No 26 and extending to 0.140 acres) comprised in this Register Unit is situated just off the road between Manton and Edith Weston at a point where the road runs on or near the watershed between the Rivers Gwash and Chater. The Unit Land is a little above the level of the surrounding land and is much overgrown with shrubs and trees. By the conveyance the Parish Council conveyed to the Rural District Council two pieces of land being O.S. Nos 26 and 33 and together containing 2.175 acres and the Rural District Council covenanted with the Parish Council that they would for ever maintain along the boundaries good and sufficient fences and keep the property in as good order and condition as was compatible with its use as a refuse dump. By the declaration, stating in effect shortly Mr Nyilassy declared that the Parish Council had been in possession for upwards of 30 years. Up to last year, the District Council had used the northeast part of land comprised in the conveyance as a refuse dump and let the remainder for agricultural purposes to the occupier of a nearby farm house.

On the evidence outlined above I am satisfied that the Rural District Council is the owner of the land, and I shall accordingly direct the Rutland County Council, as registration authority, to register Oakham Rural District 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

17th

day of

May

1973

a. a. Baden Fuller

• Commons Commissioner