



COMMONS REGISTRATION ACT 1965

Reference No.29/U/19

In the Matter of Land (O.S.No.51),  
Fifield, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land (O.S.No.51), Fifield, being the land comprised in the Land Section of Register Unit No.C.L.52 in the Register of Common Land maintained by the Oxfordshire 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 the executors of J.G.Smith, deceased, claimed to be the freehold owners 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 Oxford on 29th January 1974.

At the hearing Mr. W.G. Davies, solicitor, appeared on behalf of Mr. P.P. Smith and Mr. E.J. Smith.

The land the subject of this reference consists of a long narrow strip lying along a north-easterly axis. It is divided by a small unnamed stream, about three-fifths of the land, having an area of about 5.508 acres, lying to the north-east of the stream and the remainder lying to the south-west. The north-easterly part of the land was conveyed to the late Mr. J.G. Smith by a conveyance made 21st January 1957 made between (1) Marian Konteath (2) Joseph Griffin Smith. Mr. J.G. Smith died on 8th February 1962 and probate of his will was granted on 10th July 1962 to Mrs. Esther Mary Smith (now deceased). Mr. Percy Perrin Smith, and Mr. Edmund Joseph Smith. By an assent made 14th November 1972 Mr. P.P. Smith and Mr. E.J. Smith, as personal representatives of the late Mr. J.G. Smith, assented to the vesting in themselves of certain land, which included the land the subject of the reference in so far as it lies to the north-east of the stream.

On this evidence I am satisfied that Mr. P.P. Smith and Mr. E.J. Smith are the owners of the land, and I shall accordingly direct the Oxfordshire County Council, as registration authority, to register them as the owners of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land and it will therefore remain subject to protection under section 9 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 11<sup>th</sup> day of February 1974

  
Chief Commons Commissioner