



COMMONS REGISTRATION ACT 1965

Reference No. 229/U/80

In the Matter of Quern's Pond, Goring Heath,
Oxfordshire

DECISION

This reference relates to the question of the ownership of land known as Quern's Pond, Goring Heath, being the land comprised in the Land Section of Register Unit No. CL.4 in the Register of Common Land maintained by the former 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

Mr Commissioner Settle held a hearing for the purpose of inquiring into the question of the ownership of the land at Oxford on 10 June 1975. At the hearing Mrs N Odd, a member of the Goring Heath Parish Council, stated that she believed that Sir Julian Rose, bt was the owner of the land in question.

In view of this information, Mr Commissioner Settle decided to adjourn the hearing.

I re-opened the hearing at Oxford on 20 July 1978. On this occasion there was no appearance, but in view of correspondence between Messrs. Bischoff and Co., Solicitors for Sir Julian Rose, and the Clerk of the Commons Commissioners, I decided to defer giving my decision. I have now been furnished with affidavit evidence that the land in question formed part of certain freehold properties, collectively known as the Hardwick Estate, which were conveyed by Reginald Cecil Lybbe Powys Lybbe to Charles Day Rose on 6 May 1909. The land in question passed after divers mesne acts and assurances to Sir Charles Henry Rose, bt by virtue of a trust instrument made 2 June 1937 between (1) Dame Daphne Rose (2) Sir Charles Henry Rose (3) Hon Phoebe Margaret Dorothy Phillimore (4) Royal Exchange Assurance. Sir Charles Rose died on 8 April 1966, and on 21 July 1966 administration of his estate was granted to Royal Exchange Assurance, the trustee of the date of his death of the land vested in him under the trust instrument of 2 June 1937. By a vesting assent made 23 May 1977 Royal Exchange Assurance assented to the vesting of the land in question in Sir Julian Rose.

On this evidence I am satisfied that Sir Julian Rose is the owner of the land, and I shall accordingly direct the Oxfordshire County Council, as registration authority, to register him 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

18th

day of

July

1979

Chief Commons Commissioner