



COMMONS REGISTRATION ACT 1965

Reference No. 238/U/9

In the Matter of Kingston Beach,
Shoreham-by-Sea,
West Sussex.

DECISION

This reference relates to the question of the ownership of land known as Kingston Beach, Shoreham-by-Sea, being the land comprised in the Land Section of Register Unit No. VG 5I in the Register of Town or Village Greens maintained by the West Sussex 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 Shoreham Port Authority, the Adur District Council, and the Shoreham Harbour Branch of the Royal National Lifeboat Institution claimed to be the freehold owners of parts 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 Chichester on 11th June 1976.

At the hearing the Shoreham Port Authority was represented by Mr D. M. Levy, of Counsel, and I gave leave for the Adur District Council to appear by Mr G. Barker of the Secretary's Department. The Royal National Lifeboat Institution was not represented, it appearing that none of its land was comprised in the Register Unit.

The small scale of the Register Map makes it difficult to determine exactly the boundaries of the land comprised in the Register Unit. I was furnished with plans on a larger scale which make the boundaries of the ownerships clear, but which do not, of course, throw any light on the boundaries of the Register Unit. I propose to base my directions to the County Council on the large scale plans. The result of this may be that plans referred to in the directions may include some land not comprised in the Register Unit, and I shall therefore qualify the directions by the addition of the words "in so far as the same forms part of the land comprised in the Land Section of the Register Unit." I was informed that, quite apart from the question of ownership, the Shoreham Port Authority is concerned that part of its operational land from which the public has to be excluded should not be comprised in the Register Unit. As I see it, this is a matter over which I have no jurisdiction.

The land the subject of the reference lies on the south side of Brighton Road between the Lighthouse Club on the west and the boundary of the former Shoreham-by-Sea Urban District on the east. About a third of the way from the western boundary there is a lighthouse which, with the approach to it from the road, is excluded from the Register Unit. On the north side of the road there are houses numbered from 2 to 80 (even). With the exception of an area from opposite No. 2 to the eastern boundary, as to the ownership of which there was no evidence before me, the remainder of the land in question was in the ownership of the former Shoreham-by-Sea Urban District Council. This land was held by the Urban District Council in part under a conveyance made 9th July 1926 between (1) Gilda Gallina (2) The Urban District Council; in part under a conveyance made 5th April 1928 between (1) Paget Baxter (2) The Urban District Council; in part under a conveyance made 5th April 1928 between (1) The Atlas Syndicat



Ltd (2) The Urban District Council; and in part under a conveyance made 18th June 1968 between (1) The Minister of Public Buildings and Works (2) The Urban District Council. This land was transferred to the District Council on 1st April 1974 by virtue of the Local Authorities (England) (Property etc.) Order 1973 (S.I. 1973, No. 1861).

I was informed at the hearing that the District Council had contracted to sell to the Shoreham Port Authority its land at the southern end of the Register Unit, the area being defined by reference to a plan. Since the hearing I have been furnished with a certified copy of the conveyance, which was executed on 8th June 1976.

On this evidence I am satisfied that the District Council and the Port Authority are the owners of their respective parts of the land, and I shall accordingly direct the West Sussex County Council, as registration authority, to register the District Council and the Port Authority as the owners of their respective parts 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 I shall accordingly direct the County Council, as registration authority, to register the District Council as the owner of that part 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

21st

day of

July

1976

Chief Commons Commissioner