



In the Matter of part of Bedwyn Common,  
Great Bedwyn

DECISION

This reference relates to the question of the ownership of the above land being the part of the land comprised in the Land Section of Register Unit No. CL.71 in the Register of Common Land maintained by the Wiltshire 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 trustees of the Savernake Estate claimed to be the freehold owners of the land in question and Mr B J Lloyd 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 Chippenham on 22 November 1985.

This unit was registered as common land on 20 January 1970 and on 9 September 1970 the Crown Estate Commissioners objected to the registration of part of the land. The dispute was referred to a Commons Commissioner and as a result of a decision by him dated 22 August 1977 (reference no. 241/D/31) the registration became final on 21 November 1977 with the modification that certain land consisting of two roadside strips at the south-eastern end of the unit (now coloured red on the register map) was removed from the register.

On 8 May 1980, no person being registered as owner of the unit land, the Registration Authority referred to a Commons Commissioner the question of its ownership. After a hearing held as a result of that reference the Crown Estate Commissioners were, on 17 September 1984, registered as owners of a small part of the land which is now coloured pink on the register and hereinafter called "the pink land".

The Savernake Estate Trustees, who had made no claim at the time of the above reference later informed the Registration Authority that they claimed to be owners of the greater part of the unit. As a result the question of the ownership of the land was again referred to a Commons Commissioner on 24 January 1985.

At the hearing Miss Roberts, solicitor, of Herbert and Gowers of Oxford appeared for the Marquess of Ailesbury and Mr David William Shorey the claimants to ownership of part of the land and Mr B J Lloyd attended in order to claim that the land belonged to the people of Great Bedwyn Parish.

Miss Roberts produced a conveyance dated 29 September 1951 between the Savernake Forest Estate Company (1) the Honourable Rosemary Brudenell Bruce and Howard Frank Hickman (2) and the Honourable Chandos Sydney Cedric Brudenell Bruce and the Honourable Michael Sydney Cedric Brudenell Bruce (3) whereby land which included part of the registe



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unit was conveyed to the parties at (3) and a deed of appointment dated 17 December 1974 between Michael Sydney Cedric Brudenell-Bruce, Marquess of Ailesbury (1) and David William Shorey (2) whereby David William Shorey was appointed a trustee in the place of Chandos Sydney Cedric Brudenell-Bruce who had died.

The plan attached to the conveyance of 29 September 1951 includes the whole of the western part of the unit land up to a line indicated by the production in a south-easterly direction of the western boundary of O.S enclosure 139.

The colouring on the plan attached to that conveyance (which is on a smaller scale than the register map) appears to include part at least of the pink land but Miss Roberts made it clear that the trustees made no claim to that land which, of course, remains registered in the name of the Crown Commissioners.

Mr Lloyd gave an interesting account of various matters of local (and not so local) interest but did not produce any evidence as to title to this land..

I shall accordingly direct the Wiltshire County Council to register the Most Honourable Michael Sydney Cedric Brudenell Bruce Marquess of Ailesbury and David William Shorey as the owners of that part of the unit land described above.

There remains a piece of land lying to the north of the road and bounded on the west and east by a projection of the western and eastern boundaries of OS 139 to the ownership of which no claim has been made.

In the absence of any evidence I am not satisfied that any person is the owner of that 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

3<sup>rd</sup>

day of

December

1985

*Peter Landon - Davis*

COMMONS COMMISSIONER