

COMMONS REGISTRATION ACT 1965



Reference No. 260/U/47

In the Matter of Additional Piece of  
Westerleigh Common, Westerleigh, Avon

DECISION

This reference relates to the question of the ownership of an additional piece of Westerleigh Common, Westerleigh, being the land comprised in the Land Section of Register Unit No. CL 377 in the Register of Common Land maintained by the Avon 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 Westerleigh Parish 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 Bath on 13 January 1983.

At the hearing the Parish Council was represented by Mr D J Young, its Chairman.

The land the subject of the reference is bounded on its eastern side by a railway embankment. By a Conveyance made 1 June 1962 between (1) Sir Christopher William Miles, bt, Blanche Gladys Du Bois, Baroness Roundway, and Thomas Cottrell-Dormer (2) The Parish Council of Westerleigh, there was conveyed to the Parish Council land at Westerleigh Common which was coloured pink for identification purposes only on the attached plan. The land coloured pink on the plan was bounded on the west by the railway embankment, and no part of the land the subject of the reference was so coloured. However, on 29 October 1969 Mr Leslie Gerald Newman, assistant agent of the lords of the manor of Westerleigh, made a statutory declaration in which he stated that the northern two-thirds of the land the subject of the reference was intended to be included in the 1962 Conveyance and should have been coloured pink on the plan.

On this evidence I am satisfied that the Westerleigh Parish Council is the owner of the northern two-thirds of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register the Parish Council as the owner of that part 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 southern third of the land, which 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

20th

day of

January

1983

  
Chief Commons Commissioner