

COMMONS REGISTRATION ACT 1965



Reference No. 260/U/38

In the Matter of Additional Pieces of
Frenchay Common, Winterbourne, Avon

DECISION

This reference relates to the question of the ownership of additional pieces of Frenchay Common being the land comprised in the Land Section of Register Unit No. CL 315 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 no person claimed to be the freehold owner of the land in question and no one 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 Winterbourne Parish Council was represented by Mr E M K Mead, its Chairman.

The greater part of Frenchay Common is comprised in the Register Unit No. CL 105. That Register Unit did not comprise the whole of Frenchay Common because the registration in the Land Section was made by the registration authority in consequence of an application for a registration in the Rights Section which related to only a part of the Common. The remainder of the Common, ie. the land the subject of the reference, was registered on the application of the Clerk of the Parish Council.

The division of the Common thus brought about by the incidence of the applications has no relevance to its ownership. I dealt with the question of the ownership in my decision in In the Matter of Frenchay Common, Winterbourne (1983), Ref. No. 260/U/37, and what I said there is equally applicable to this reference. For the reasons there stated I am satisfied that the Winterbourne Parish Council is the owner of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register the Parish Council 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

19th

day of

January

1983

Chief Commons Commissioner