



COMMONS REGISTRATION ACT 1965

Reference No. 69/U/13

In the Matter of Durdham Down, Bristol
Avon

DECISION

This reference relates to the question of the ownership of land known as Durdham Down and containing about 212 acres, Bristol being the land comprised in the Land Section of Register Unit No. CL.5 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.

When making this reference the Council of the City and County of Bristol claimed that the land was owned by the Corporation under an Act of Parliament. Following upon the public notice of this reference, the Chief Surveyor of Unigate Services Limited sent a copy of the Accounts of the Commoners of Durdham Down for the year ended 31 December 1947 to which was attached a copy of a historical statement about the Commoners Rights, of a list of the Commoners (19 in all) and of the sheep rights (1885 in all) to which they were entitled, and of two notices dated 22 April 1808 and April 1845; in the historical statement mention is made of the Clifton and Durdham Downs (Bristol) Act 1861 by which the Mayor Aldermen and Burgesses of Bristol were empowered to fulfil a contract dated 2 August 1860 to purchase Durdham Down. No other person claimed to be the freehold owner of the land in question or 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 Bristol on 19 March 1975. At the hearing the City Council of Bristol were represented by Mr. A.B. Pitt, assistant solicitor in the City Clerks Department.

Mr. W.A. Knowles who was born in Bristol 65 years ago, who has lived there all his life who is now Chief Conveyancing Clerk of the City Council, and who has been employed by them and their predecessors, the Corporation of the City and County of Bristol for the last 16 years, in the course of his evidence produced: (i) the said 1861 Act (24 & 25 Vict. c. xiv) which, after reciting the said 1860 contract, by section 2 authorised the Mayor Aldermen and Burgesses of Bristol to carry it into effect, and (ii) a conveyance dated 8 November 1861 apparently made pursuant to the section. The land comprised in this Register Unit is according to the Rights Section of the Register now subject to 19 rights to graze sheep, such rights being attached to 19 different pieces of land and extending altogether to 1,615 sheep. Mr. Knowles identified the land with that conveyed by the 1861 conveyance.

On this evidence I am satisfied that The City Council are the owners of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register The City Council of Bristol as the owners of the land under section 8(2) of the Act of 1965.



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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 7th ——— day of April ——— 1975

a. a. Baden Fuller

Commons Commissioner