



COMMONS REGISTRATION ACT 1965

Reference No. 13/U/193

In the Matter of Two Pumps, Duck Street,  
Tytherington, North Avon District, Avon

---

DECISION

This reference relates to the question of the ownership of land in two pieces together containing about 0.0075 of an acre and on each of which is an iron water pump, in Duck Street, Tytherington, North Avon District being the land comprised in the Land Section of Register Unit No. CL. 403 in the Register of Common Land maintained by the Avon County Council (formerly Gloucestershire 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 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 Bristol on 10 March 1976. At the hearing Tytherington Parish Council were represented by Mr W T Humphries their clerk.

Mr Humphries who has been clerk for the last 29 years and who has lived in the Village all his life (he was born there in 1923) in the course of his evidence said (in effect):- These pieces are small, open on one side to the road, and enclosed on three sides by a stone wall; on each there is an iron pump. Main water was piped to Tytherington before he was born (in about 1900 he thought); however he could remember when he was young water being drawn from these pumps, and he thought the pumps were part of the original Village water supply. Various parishioners had looked after the pumps and had kept their surroundings tidy. About 5 or 6 years ago the Parish Council had paid for their painting.

By section 64 of the Public Health Act 1875 all public pumps used for the gratuitous supply of water to the inhabitants of the district of any local authority are vested in such authority. On the evidence outlined above, I infer that the lands immediately surrounding these pumps must like the pumps themselves, have always "belonged" to the Parish in the popular sense of that expression, and are therefore now by operation of law vested in the Parish Council, see Haigh v West 1893 2Q3 19 at page 31, and Doe v Hiley and Doe v Terry there cited.

For these reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register Tytherington Parish Council as the owners 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 16<sup>th</sup> day of March — 1976

a. a. Baden Fuller

Commons Commissioner