



In the Matter of Bearwood Common (part),
Winnersh, Berkshire

DECISION

This reference relates to the question of the ownership of land known as Bearwood Common (part), Winnersh, being the part of the land comprised in the Land Section of Register Unit No. CL 139 in the Register of Common Land maintained by the Berkshire 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 personal representatives of Mrs B J Harral, deceased claimed to be the freehold owner of the land in question and Messrs Hett, Stubbs and Kemp, Solicitors, claimed to have information as to the ownership of part of the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Windsor on 12 December 1978.

At the hearing the personal representatives of the late Mrs Harral were represented by Mr M Johnson, Solicitor.

The land comprised in the Register Unit is traversed by a road known as Woodland Avenue. The land to the south-east of Woodland Avenue is registered under Title No. P72037 and is not included in this reference. The southern two-thirds of thereabouts of land to the north-west of Woodland Avenue was the subject of a conveyance made 19 January 1933 between (1) Bearwood Building Company Ltd (2) Edith Jane Marshall and Alice Ethel Nicoll and the remainder of this part of the land was the subject of a conveyance made 22 December 1932 between (1) Bearwood Building Company Ltd (2) E J Marshall and A E Nicoll. After divers changes in the trusteeship Mrs Harral died on 15 December 1972 as the sole remaining trustee.

On this evidence I am satisfied that the personal representatives of the late Mrs Harral are the owners of this part of the land, and I shall accordingly direct the Berkshire County Council, as registration authority, to register Mr Edward Harral and Mr Benjamin David Harral as such personal representatives as the owners of this part of the land under section 8(2) of the Act of 1965. Messrs Hett, Stubbs and Kemp sent to the Clerk of the Commons Commissioners a copy of a conveyance made 30 December 1932 between (1) John Briswell Harrington Wyman (2) Bearwood Building Company Ltd whereby the site of Woodland Avenue was conveyed to the company. Messrs Hett, Stubbs and Kemp however, stated that their information was that the company had been removed from the Companies Register shortly after 19 January 1958, because it had ceased to trade. In the absence of any further evidence I can only say that I am not satisfied that any person is the owner of the site of Woodland Avenue 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

21st

day of February

1979


 Chief Commons Commissioner