

JL

COMMONS REGISTRATION ACT 1965



Reference No. 210/U/68

In the Matter of Land in the former Portland
Urban District, Weymouth and Portland, Dorset

DECISION

This reference relates to the question of the ownership of land in the former Portland Urban District, Weymouth and Portland, being the land comprised in the Land Section of Register Unit No. CL 4 in the Register of Common Land maintained by the Dorset 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 Weymouth and Portland Borough 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 Dorchester on 6 March 1984.

At the hearing the Weymouth and Portland Borough Council was represented by Mrs S Berry, Solicitor, and the Personal Representatives of Mrs G M Tooley, deceased were represented by Mr P N Scott, acting as agent for Messrs J M B Turner and Co, their Solicitors.

Most of the land the subject of the reference was conveyed to the former Portland Urban District Council, made 29 September 1936 between (1) His Majesty's Principal Secretary of State for War (2) The Urban District Council of Portland. The remainder of the land was conveyed to the Council by a conveyance made 19 February 1962 between (1) The Portland Railway Company (2) The Portland Urban District Council.

A small part of the land, having an area of 0.374 acres or thereabouts was conveyed to the late Mr F J Tooley by a conveyance made 29 October 1953 between (1) The Urban District Council of Portland (2) Thomas James Tooley. Mr Tooley died on 7 March 1981 and his will was proved on 23 April 1981 by Mrs Gladys May Tooley, who assented to the vesting of the land in herself by an assent dated 20 May 1981. Mrs Tooley died on 4 October 1983 and her will was proved on 24 January 1984 by Mrs Barbara Pays and Mr Alan Edward Jones.

The land remaining in the ownership of the former Urban District Council was transferred to the Borough Council by the Local Authorities (England) (Property etc.) Order 1973 (S.J. 1973, No. 1861).

On this evidence I am satisfied that the Borough Council is the owner of the greater part of the land, and Mrs Pays and Mr Jones are the owners of the remainder. I shall accordingly direct the Dorset County Council, as registration authority, to register the Council and Mrs Pays and Mr Jones as the owners of their respective parts of the land under section 8(2) of the Act of 1965.