



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/152

In the Matter of Fordham Heath and adjoining
land, Eight Ash Green, Essex

DECISION

This reference relates to the question of the ownership of land known as Fordham Heath and adjoining land, being the part of the land comprised in the Land Section of Register Unit No. VG 187 in the Register of Town or Village Greens maintained by the Essex 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 Mr C F Jowers 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 Chelmsford on 20 February 1980.

At the hearing Mr T G Wilson, Solicitor, appeared for the Eight Ash Green Parish Council and Mr Jowers appeared in person.

A part of the land comprised in the Register Unit consists of allotment gardens. Some of the allotments are registered under the Land Registration Acts 1925 to 1971. In September 1963 Mr Jowers took possession of one of the unregistered allotments with the consent of Mr Alfred Charles Salmon, who was then in possession. Since then Mr Jowers has enjoyed undisturbed possession of the allotment, on which he has grown vegetables. Mr Jowers therefore has a good possessory title to this allotment.

Mr Wilson had no evidence as to the ownership of the remainder of the land the subject of the reference.

On this evidence I am satisfied that Mr Jowers is the owner of the allotment and I shall accordingly direct the Essex County Council, as registration authority, to register him as the owner of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference and I shall accordingly direct the County Council to register the Eight Ash Green Parish Council as the owner of that part of the land under section 8(3) 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

11th

day of

March

1980

Chief Commons Commissioner