



In the Matter of Gore Pond, Writtle, Chelmsford B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 346 in the Register of Common Land 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 Writtle Parish Council claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Chelmsford on 20 July 1983.

At the hearing, Mr A Sayles, Solicitor, appeared on behalf of the Parish Council.

The Unit land is identifiable with a public pond ~~on watering easse~~ called "The Gore" set out and appointed by an Inclosure Award dated 24 November 1870. The Award did not specify any purposes or allot the pond to any person or body of persons, but did provide that the pond should be cleansed and repaired by the Overseers for the time being of the parish of Writtle. I think it can properly be inferred that it was for the benefit of the Parish and, in the popular sense, "belonged to" the Parish (see Doe v. Terry 1835 4A & E 274 at p.281) and so would vest in the churchwardens and overseers under S.17 of the Poor Act 1819 and subsequently in the Parish Council under the Local Government Act 1894 or the Overseers Order 1927 (S.R & O 1927 No. 55).

For these reasons I am satisfied that Writtle Parish Council is the owner of the Unit land, and I shall accordingly direct the Essex County Council, as registration authority, to register it as the owner 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

21 September

1983

*L. J. Morris Smith*

Commons Commissioner