



In the Matter of Pieces of Land called
Killens Green, Langley, Uttlesford D

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 112 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 Robin Oscar Bates 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 land at Chelmsford on 19 July 1983.

At the hearing Mr Bates appeared in person and there was no other claimant.

Since October 1960 Mr Bates has been living at a property known as Killens Green Farm ("the Farm"). This property was included in a Conveyance dated 4 September 1970, the subpurchasers being Mr Bates, together with Albert John Bates and Christopher William Bates. The Farm adjoins part of the Unit land ("the blue part") shown edged blue on the attached plan. Mr R O Bates has occupied the blue part for some 23 years and it has been in his possession without any adverse claim being made. During that time he has kept the grass cut and has cultivated flowers.

The subpurchasers were carrying on business in partnership and the Farm was conveyed to them in fee simple as tenants in common. They have agreed to partition their partnership property, the Farm to be conveyed to Mr R O Bates. Since the hearing there has been a Deed of Partition executed by them and dated 17 August 1983, by which the Farm property was conveyed to Mr R O Bates.

On this evidence I am satisfied that Mr R O Bates is the owner of the blue part and I shall accordingly direct the Essex County Council, as registration authority, to register him as its owner under section 8(2) of the Act of 1965. I am not satisfied that any person owns the remainder of the Unit land, which 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

21 September

1983

H. J. Morris Smith

Commons Commissioner

