



COMMONS REGISTRATION ACT 1965

Reference No 212/U/96

In the Matter of War Memorial Green
Wix Tending D

DECISION

This reference relates to the question of the ownership of land known as War Memorial Green Wix Tending D being the land comprised in the Land Section of Register Unit No CL/166 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 Wix Parish 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 Colchester on 24 July 1978. Mr R W Boutflower and Mr L W H Lowther respectively the Chairman and Acting Clerk to the Wix Parish Council appeared for their council.

The Wix war memorial was erected on this land after the 1914/18 war and Mr Lowther produced the Minute Book of the council which included a minute to the effect that on 22 April 1926 the war memorial was handed over to and accepted by the Council. The Council has ever since maintained the war memorial and has in my view by so doing acquired a possessory title to the land in question on which it is situated.

On this evidence I am satisfied that Wix Parish Council is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register Wix Parish Council as the owner of the land 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 this

7th

day of

August

1978

Commons Commissioner