



COMMONS REGISTRATION ACT 1965

Reference No.12/U/19

In the Matter of Wethersfield Village Green,
Wethersfield, Essex.

DECISION

This reference relates to the question of the ownership of land known as Wethersfield Village Green, Wethersfield, being the land comprised in the Land Section of Register Unit No.V.G.40 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 the Wethersfield 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 Saffron Walden on 4th December 1973.

At the hearing the Wethersfield Parish Council was represented by Mr. C.H. Gillingham, solicitor.

Mr. Gillingham produced a deed of gift, dated 30th March 1961, made between (1) Dame Maud Ethel Flannery (2) the Wethersfield Parish Council, whereby Lady Flannery as personal representative of Sir Harold Fortescue Flannery conveyed to the Parish Council the land in question for all the estate and interest formerly vested in Sir Harold Fortescue Flannery to hold unto the Council in fee simple. It appears from a recital in the deed of gift that Sir Harold Fortescue Flannery was the owner of property known as the Wethersfield Manor Estate, but there is no evidence that the land in question formed part of that Estate, nor is there any evidence of possession of the land by either Sir Harold Fortescue Flannery or the Parish Council. The Parish Council has therefore no more than a paper title to this land.

For these reasons I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register the Wethersfield Parish Council as the owner 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 21st day of December 1973

Chief Commons Commissioner