



COMMONS REGISTRATION ACT 1965

Reference Nos. 13/U/157
13/U/158
13/U/159
13/U/160
213/U/26
213/U/27

In the Matter of (1) Three pieces of land at Shortwood, (2) Two areas of land at Walkley Wood, (3) Three pieces of land at Rockness, (4) Two pieces of land at Horsley Road, (5) The piece of land at Bunting Hill, and (6) The piece of land at Walkley Wood, all in Nailsworth, Stroud D., Gloucestershire

DECISION

These six references relate to the question of the ownership of (1) Three pieces of land at Shortwood containing about 0.27 of an acre, (2) Two areas of land at Walkley Wood containing about 0.22 of an acre, (3) Three pieces of land at Rockness containing about 0.54 of an acre, (4) Two pieces of land at Horsley Road containing about 0.41 of an acre, (5) The piece of land at Bunting Hill containing about 4.88 acres and (6) The piece of land at Walkley Wood containing about 0.12 of an acre, all in Nailsworth, Stroud District, being the lands comprised in the Land Section of Register Unit (1) No. CL.277, (2) No. CL.279, (3) No. CL.280, (4) No. CL.281, (5) No. CL.276 and (6) No. CL.278 respectively in the Register of Common Land maintained by the Gloucestershire 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. S.G. Morley made and then withdrew a claim to the ownership of Register Unit No. CL.279, Nailsworth Urban District Council claimed ownership of Register Unit Nos. CL.277, CL.279, CL.280 and CL.281 and Nailsworth Town Council claimed generally all which had devolved on them under a conveyance made by the Lord of the Manor of Horsley. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the lands at Gloucester on 15 May 1975. At the hearings Nailsworth Town Council were represented by Mr. F.H. Adams, solicitor, of A.E. Smith & Son Solicitors of Nailsworth.

Mr. Adams in the course of his evidence produced a deed of gift dated 8 August 1969 by which Mr. D. Lowsley-Williams, after reciting that under a conveyance dated 20 November 1929 the Lordship of the Manor of Horsley was vested in Mr. J.S.H. Lowsley-Williams in fee simple and under a conveyance dated 17 March 1958 the Lordship was vested in himself for a like estate, conveyed to the Nailsworth Urban District Council



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all the pieces of land vested in him in right of such Lordship "(neither the Schedule hereto containing brief particulars of certain of the lands hereby conveyed nor the plan annexed hereto whereon the lands are edged red being in any way exhaustive or restrictive of the generality of the foregoing but being incorporated herein for ease of reference only)".

Mr. Adams also produced a statutory declaration made by him on 18 January 1967 about the title to Shortwood Green (I am not concerned with this Green), which showed the title to the Lordship before the 1969 deed and the extent of the investigations he personally had made into the history of this Manor. He identified the land comprised in these Register Units with one or more of the pieces of land edged red on the 1969 deed plan save that there were in the case of CL.280, CL.281, CL.276 and CL.278 small divergencies between the land edged green on the Register map and the land edged red on the 1969 deed plan; in these cases, the edged red land being in part smaller.

Mr. Adams said (in effect):- He had been responsible for the 1969 deed because at the time his firm acted for both parties; at the time he walked over the land edged red on the 1969 plan and satisfied himself that all such land was waste land of the Manor with boundaries as thereon edged red. He knew the parts of the lands comprised in these Register Units which had not been edged red on the 1969 deed plan; it is possible that these parts should not have been registered under the 1965 Act; he mentioned particularly the small piece edged red which is at the northwest end of the land at Bunting Hill and which is completely surrounded by other CL.276 land and also some pieces included in the CL.280 land at Rockness. Whether or not these parts were rightly registered, he could not say that there was any intention when the 1969 deed was made to include them in the gift thereby made.

As regards so much of the lands comprised in these Register Units as is included in the lands edged red on the 1969 deed plan, on the evidence outlined above I am satisfied that the Town Council (as successor in title of the Urban District Council) are the owners of the lands and I shall accordingly under section 8(2) of the Act of 1965 direct the Gloucestershire County Council as registration authority, to register Nailsworth Town Council as the owners of the lands comprised in Register Unit Nos. CL.277 and CL.279 and as the owners of so much of the lands comprised in Register Unit Nos. CL.280, CL.281, CL.276 and CL.278 as is included in the land edged red on the plan attached to the 1969 deed and I shall annex to my direction a copy of the relevant part of that plan and expressly exclude from the CL.276 land at Bunting Hill the said small area at the northwest end.

As to the part of the lands comprised in Register Unit Nos. CL.280, CL.281, CL.276 and CL.278 which are not included in the land edged red on the 1969 deed plan, I am not satisfied that any person is the owner of these parts, and they 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 this 21st ——— day of May ——— 1975

A. A. Baden Fuller

Commons Commissioner