



COMMONS REGISTRATION ACT 1965

Reference No 59/U/20

In the Matter of Kew Pond, Richmond
upon Thames, Greater London

DECISION

This reference relates to the question of the ownership of land known as Kew Pond, Richmond upon Thames being the land comprised in the Land Section of Register Unit No. CL.105 in the Register of Common Land maintained by the Greater London 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 no person claimed to be the freehold owner of the land in question, but the Town Clerk of the London Borough of Richmond upon Thames stated that the pond had been maintained by the local authority under an agreement with the Commissioners of Her Majesty's Works and Public Buildings dated 8th January 1895.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Watergate House, 15 York Buildings, London WC2A 6LB on 30th April 1974.

There was no appearance at the hearing and in the absence of any evidence I was not satisfied that any person was the owner of the land, and on 24th May 1974 I gave a decision stating that the land would remain subject to protection under section 9 of the Act of 1965.

This decision was followed by an application under reg.22 of the Commons Commissioners Regulations 1971 made by the Department of the Environment, upon which I decided to reopen the hearing and set aside my decision.

I reopened the hearing at Watergate House on 3rd February 1976, when Mr J Sher, of counsel, appeared for the Department of the Environment.

Mr Sher adduced a substantial volume of evidence which it does not seem necessary to recapitulate in detail, since he had no opponent. Suffice it to say that I was satisfied that the land the subject of the reference is part of the waste land of the Manor of Sheen otherwise West Sheen otherwise Richmond and that Her Majesty The Queen is the lady of the manor. Part of the waste of the manor was enclosed under an award made on 22nd July 1824 under the Kew Enclosure Act of 1824 (4 Geo.IV,c.75), but the land in question was not affected by the award. The management of this land has been the subject of a series of statutes and statutory instruments and is now the duty of the Secretary of State for the Environment, but the freehold still remains vested in Her Majesty.

On the evidence before me I am satisfied that Her Majesty The Queen is the owner of the land, and I shall accordingly direct the Greater London Council, as registration authority, to register Her Majesty 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 4th day of February 1976

A handwritten signature in cursive script, appearing to read 'G. D. Quibb'.

Chief Commons Commissioner