



In the Matter of Colwell Common, Totland, Isle of Wight
(No. 2)

DECISION

This reference relates to the question of the ownership of land known as Colwell Common, Totland, being the part of the land comprised in the Land Section of Register Unit No. CL 3 in the Register of Common Land maintained by the Isle of Wight 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 no person claimed to be the freehold owner of the land in question and no one 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 Newport on 17 November 1977.

At the hearing the Totland Parish Council was represented by Mr F Chapman, its Clerk. Mr Chapman informed me that he believed that the land in question was in the ownership of the former Isle of Wight Rural District Council. However, in the absence of any evidence as to this I was not satisfied that any person was the owner of the land.

Upon the application of the South Wight Borough Council I set aside my decision and re-opened the hearing at Watergate House, London WC2 on 5 July 1978. There was no appearance at the re-opened hearing, but I dealt with the matter on the affidavit evidence of Mr F. A. Joiner, an officer of the Borough Council.

All but a small portion of the land the subject of the reference was conveyed to the former Isle of Wight Rural District Council by an indenture made 21 December 1904 between (1) Edmund Granville Ward (2) Isle of Wight Rural District Council. The remaining small portion was conveyed to the Rural District Council by an indenture made 8 April 1910 between (1) Alfred Hands (2) Charles Hubert Hands (3) Rural District Council of the Isle of Wight.

The Rural District Council and its successor authority, the Borough Council, have been in uninterrupted possession of the land the subject of both indentures.

On this evidence I am satisfied that the Borough Council is the owner of the land and I shall accordingly direct the Isle of Wight County Council to register the Borough 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

21st

day of

July

1978.


CHIEF COMMONS COMMISSIONER