



In the Matter of Fishbourne Green, Ryde,
Isle of Wight

DECISION

This reference relates to the question of the ownership of land known as Fishbourne Green, Ryde, being the land comprised in the Land Section of Register Unit No. VG 5 in the Register of Town or Village Greens 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 the Medina Borough Council and Mr S F Harwood and Mrs C Harwood claimed to be the freehold owners of parts 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 Ryde on 15 November 1977.

At the hearing Mr J Matthews, solicitor, appeared for the Borough Council and Mr W A Meads, solicitor, for Mr and Mrs Harwood.

The land the subject of the reference consists of two areas - a circular one to the south and an oblong one to the north. The circular area was conveyed to the former Binstead Parish Council by an indenture made 5 July 1909 between (1) Thomas Belhaven Henry Cochrane (2) Sir Thomas Herbert Cochrane Troubridge and William Brabazon Lindsay Toler, Earl of Norbury (3) the Parish Council. The part of the parish of Binstead in which this circular area was situate was transferred to the Borough of Ryde, and it is now part of the Borough of Medina by virtue of the English Non-Metropolitan Districts Definition Order 1972 and the English Non-Metropolitan Districts Names Order 1972.

The southern half of the oblong area was conveyed by an indenture made 15 September 1911 between the parties of the first and second parts to the indenture of 5 July 1909 and John Samuel White of the third part. After divers mesne assignments it passed to Mr and Mrs Harwood by a conveyance made 14 August 1970 between (1) Eleanor Salvin Smith Dorrien Smith (2) Stephen Frank Harwood and Claire Harwood.

On this evidence I am satisfied that the Medina Borough Council and Mr and Mrs Harwood are the owners of the parts of the land conveyed to their respective predecessors in title and I shall accordingly direct the Isle of Wight County Council, as registration authority, to register the Borough Council and Mr and Mrs Harwood as the owners of those parts of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the land comprised in the Register Unit and I shall accordingly direct the County Council to register the Borough Council as the owner of that part 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 22 day of November 1977


Chief Commons Commissioner