



In the Matter of Duncan Down, Whitstable, Kent
(No. 2)

DECISION

This reference relates to the question of the ownership of land known as Duncan Down, Whitstable, being the land comprised in the Land Section of Register Unit No. VG 124 in the Register of Town or Village Greens maintained by the former Kent County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Canterbury on 29 July 1975.

The land comprised in the Register Unit is the undeveloped remainder of a large building estate laid out in the 1890's. The estate was divided into plots, some of which were sold off by one Alfred George Turner. Several of the plots have been registered under the Land Registration Acts 1925 and 1936. The evidence adduced at the hearing satisfied me as to the ownership of a number of the unregistered plots and, in the absence of evidence as to ownership, the Canterbury City Council became entitled to be registered as the owner of the remainder under section 8(3) of the Act of 1965.

Notification of my decision under reg. 30(3) of the Commons Commissioners Regulations 1971 was given on 20 February 1976. By a letter dated 27 February 1976 Messrs Swepstone Walsh and Son informed the Clerk of the Commons Commissioners that a client of theirs claimed to be the owner of two of the plots as to the ownership of which I had no evidence, and asked for the hearing to be reopened.

By a letter dated 15 February 1977 the City Secretary of Canterbury informed the Clerk of the Commons Commissioners that if indeed Messrs Swepstone Walsh and Son could deduce a satisfactory title on behalf of their client, he could not see any objection to his being registered as the owner of the plots in question.

Messrs Swepstone Walsh and Son have now deduced a satisfactory title to plots Nos 654 and 655 on behalf of Mr R W Goodwin and Mr S P J Foster.

In these circumstances it appears to me that to reopen the hearing would involve unnecessary expense, and therefore, with the consent of the Canterbury City Council, I shall direct the Kent County Council, as registration authority, to register Mr R W Goodwin and Mr S P J Foster as the owners of plots Nos 654 and 655 under section 8(2) of the Act of 1965, and I shall accordingly exclude those plots from the direction to the County Council to register the City Council as the owner of the remaining unregistered plots.

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 10th day of November 1977

Chief Commons Commissioner