



COMMONS REGISTRATION ACT 1965

Reference No.19/U/72

In the Matter of Hook Green,  
Lamberhurst, Kent.

DECISION

This reference relates to the question of the ownership of land known as Hook Green, Lamberhurst, being the land comprised in the Land Section of Register Unit No.CL 29 in the Register of Common Land 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.

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.

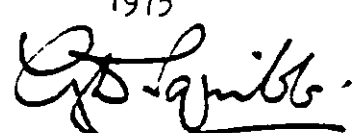
I held a hearing for the purpose of inquiring into the question of the ownership of the land at Maidstone on 15th July 1975.

At the hearing Mr S.W.Rock, solicitor, appeared on behalf of the Marquis Camden and Mr G.C.Honywill appeared on behalf of the Lamberhurst Parish Council.

Mr Rock produced a vesting deed made 2nd April 1954 between (1) John Charles Henry, 5th Marquis Camden (2) Albert Edward Delaval, Baron Hastings, Henry Swanston Eeles, Graham Wyatt Williams, and Harold Peillett Bodier, whereby certain settled land was vested in the Marquis Camden. The settled land was defined by reference to a schedule and to a map. The land the subject of this reference is shown as part of the settled land on the map but it is not mentioned in the schedule which is stated in the document to be more authoritative than the map. There was no evidence to show that the Marquis Camden has ever been in possession of this land. Furthermore, he applied for the registration of rights of common in the Rights section of the Register Unit. This registration was undisputed and so has become final and is now by virtue of section 10 of the Act of 1965 conclusive evidence of the existence of the rights, which are inconsistent with the ownership of the land by the Marquis.

The minute books of the Parish Council show that the Council has been acting as if it were the owner of this land for many years and has received small sums of money from persons making use of it. There are numerous entries in the minute books which satisfy me that the Parish Council is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register the Parish 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 25th day of July 1975  


Chief Commons Commissioner