



COMMONS REGISTRATION ACT 1965

Reference No. 219/U/97

In the Matter of Old Bottom Freedown, St. Margaret's -
at-Cliffe, Kent

DECISION

This reference relates to the question of the ownership of land known as Old Bottom Freedown, St. Margaret's-at-Cliffe, being the land comprised in the Land Section of Register Unit No. CL.80 in the Register of Common Land maintained by the 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 the St. Margaret's-at-Cliffe Parish Council claimed to be the freehold owner 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 Folkestone on 21 January 1980. At the hearing the Parish Council was represented by Mr E Lodge, its Clerk. Mr Lodge said that he understood that the land in question had been given to the Parish Council in 1913 by the then Earl Granville, but that the Council had no title deeds. However, Mr Lodge was on surer ground when he produced documentary evidence that the Parish Council has been receiving rent for the grazing of the land since 1953. The receipt of rent is evidence of the possession of land, and this has continued long enough for the Parish Council to have acquired a possessory title to the land, even if it had no title before 1953.

On this evidence I am satisfied that the St. Margaret's-at-Cliffe 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

14th

day of

February

1980

Chief Commons Commissioner