



COMMONS REGISTRATION ACT 1965

Reference No.219/U/26

In the Matter of The Green,
Five Oaks Green, Capel, Kent.

DECISION

This reference relates to the question of the ownership of land known as The Green, Five Oaks Green, Capel, being the land comprised in the Land Section of Register Unit No.VG 136 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.

Following upon the public notice of this reference the Capel 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 Maidstone on 15th July 1975.

At the hearing the Parish Council was represented by Mr E.G.Coleman, its Clerk.

The land in question was conveyed to the Parish Council for use as an open space for exercise and recreation by a conveyance made 7th July 1949 between (1) The Urban District Council of Southborough (2) The Parish Council of Capel and has since been used for that purpose.

On this evidence I am satisfied 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 23rd day of July 1975

Chief Commons Commissioner