



In the Matter of Vine Waste,
Sevenoaks, Kent

DECISION

This reference relates to the question of the ownership of land known as Vine Waste, Sevenoaks, being the land comprised in the Land Section of Register Unit No. CL 118 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 Sevenoaks Town 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 7 February 1979.

At the hearing Sevenoaks Town Council was represented by its Town Clerk, Mr Hall; no one else appeared.

By a Deed of Grant of 31 August 1921, the Lord of the Manor (Lord Sackville) granted liberty and licence to enclose the land to Sevenoaks Urban District Council to hold unto the Council free from all commonable rights at a rent of seven acorns. There were conditions for user as a site for a War Memorial and for no excavations to be made, and a provision for reverter to the Lord of the Manor in the event of any breach of the conditions within 21 years from the grant. Consent of the Minister of Agriculture was given under the law of Commons Amendment Act 1893 to this Inclosure Grant, with a proviso for use as a War Memorial and for public recreation. There was no breach of the conditions so as to involve reverter to the Lord of the Manor.

The Town Council is, under the Local Government Act 1972, the successor to the Urban District Council, and bears the cost of maintaining the land, which is open for use for recreation and as an amenity.

On this evidence I am satisfied that the Town Council is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register Sevenoaks Town 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 18th day of July 1979

L. J. Morris Smith
Commons Commissioner