

In the Matter of Field O.S. No. 124 (part),  
Weekley, Kettering, Northamptonshire (No. 2)

## DECISION

This reference relates to the question of the ownership of land known as Field O.S. No. 124 (part), Weekley, Kettering, being the land comprised in the Land Section of Register Unit No. CL 25 in the Register of Common Land maintained by the Northamptonshire 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 Boughton Estates Ltd 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 Northampton on 6 May 1981.

There was no appearance at the hearing.

In the absence of any evidence I was not satisfied that any person was the owner of the land, and I gave a decision accordingly. However, on the application of The Boughton Estates Ltd I set aside this decision and re-opened the hearing in London on 22 and 30 October 1981, when The Boughton Estates Ltd was represented by Mr C Mitchell, solicitor.

There is no entry in the Rights section of the Register Unit, so the land in question can only fall within the definition of "common land" in s.22(1) of the Act of 1965 by having been waste land of a manor at the date of the registration. The lordship of the manor of Weekley was included in the parcels of a principal vesting deed made 31 August 1926 between (1) Sir Herbert James Hope and George William Montagu Douglas Scott (commonly called Lord George Scott) (2) John Charles Duke of Buccleugh and Queensberry and was conveyed to The Boughton Estates Ltd by a conveyance made 30 June 1933 between (1) John Charles Duke of Buccleugh and Queensberry (2) Lord George Scott and William Walter Montagu Douglas Scott (commonly called Lord William Scott) (3) The Boughton Estates Ltd. It appears from a statutory declaration made by Mr John Kenneth Royston that The Boughton Estates Ltd has been in the full and undisturbed possession and enjoyment of the land without any adverse claim since he first knew the land in 1968.

On this evidence I am satisfied that The Boughton Estates Ltd is the owner of the land, and I shall accordingly direct the Northamptonshire County Council, as registration authority, to register that company 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

13<sup>th</sup>

day of

November

1981



Chief Commons Commissioner