



COMMONS REGISTRATION ACT 1965

Reference No.2/U/50

In the Matter of "The Nap",
Appleford, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land known as "The Nap", Appleford, being the land comprised in the Land Section of Register Unit No.CL 6 in the Register of Common Land maintained by the former Berkshire 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 Oxford on 8th October 1975.

At the hearing the Appleford Parish Council was represented by Mrs D.M.Newton, its Clerk.

The land the subject of the reference is a small triangular area at a road junction, and it has on it a large elm tree. The Parish Council has no documentary evidence as to its ownership, but has cut the grass and kept it tidy for some years. In 1968 the elm tree, after the fashion of its kind, shed one of its branches, and the Parish Council paid the County Council to cut up the fallen branch and remove it. Recently the Parish Council has paid £85 to have the tree lopped.

I find myself unable to regard these ameliorative acts on the part of the Parish Council as possession adverse to the true owner, whoever he may be. They may have been technically trespasses, but they do not amount to an ouster of whoever may be entitled to possession.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 27th day of October 1975

Chief Commons Commissioner