



COMMONS REGISTRATION ACT 1965

Reference No 232/U/7

In the Matter of land opposite
Holman Clavel Inn, Otterford,
Taunton Deane District, Somerset

DECISION

This reference relates to the question of the ownership of land opposite Holman Clavel Inn, Otterford, Taunton Deane District being the land comprised in the Land Section of Register Unit No VG. 88 in the Register of Town or Village Greens maintained by the Somerset County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

The County Council were informed that the West Somerset Water Board (the predecessors of Wessex Water Authority) claimed ownership of the land in question. Following the public notice of this reference, Otterford Parish Council informed the Clerk of the Commons Commissioners that they are not claiming ownership of the land. No other person claimed to be the freehold owner of the land or 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 Taunton on 1 December 1977. At the hearing Wessex Water Authority were represented by Mr R O Peters solicitor with Broomhead & Saul, Solicitors of Taunton.

Mr Peters in the course of his evidence produced a conveyance dated 10 March 1933 by which Mr J G Newton with the concurrence of Trustees conveyed to Mayor Aldermen and Burgesses of the Borough of Taunton 267 acres of land, it being therein recited that such land was required for the purposes of the water undertaking authorised by the Taunton Corporation Act 1931. The land ("the Unit Land") comprised in this Register Unit (according to the Register map) contains 1.843 acres and is OS No 591. Mr Peters identified it with the piece similarly described in the Schedule to the 1933 conveyance by reference to plan no 1 annexed. Mr Peters said that on 1 April 1963 the Corporation's water undertaking was taken over by West Somerset Water Board under an Order of 1962 made under the Water Act 1945, and that they were succeeded by Wessex Water Authority on 1 April 1974 by virtue of the Wessex Water Authority Constitutional Order 1973 (made under the Water Act 1973). He referred me to a decision dated 11 June 1975 by myself as Commons Commissioner in relation to a dispute about the Unit Land from which it appeared that it was by an Inclosure Award dated 26 March 1851 allotted (with other recreational allotments) in trust as a place of exercise and recreation for the inhabitants of the parish of Otterford and neighbourhood. On the evidence summarised above, I am satisfied that Wessex Water Authority are the owners of the Unit Land, and I shall accordingly direct the Somerset County Council as registration authority to register Wessex Water Authority of PO Box 9, Kings Square, Bridgwater, Somerset as the owners 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 20th day of December 1977

a.e. Baden Fuller

Commons Commissioner