



COMMONS REGISTRATION ACT 1965

Reference No. 69/U/10

In the Matter of Canynge Square Gardens
Bristol, Avon

DECISION

This reference relates to the question of the ownership of land containing about 0.37 acres and known as Canynge Square Gardens being the land comprised in the Land Section of Register Unit No. VG.12 in the Register of Town or Village Greens maintained by the Avon 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 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 Bristol on 19 March 1975. At the hearing the City Council of Bristol were represented by Mr. A.B. Pitt, assistant solicitor in the City Clerks Department.

Mr. W.A. Knowles who was born in Bristol 65 years ago, who has lived there all his life and who is and has been employed by the City Council and their predecessors the Corporation of the City and County of Bristol for the last 16 years, in the course of his evidence said (in effect) :- The land ("the Unit Land") comprised in this Register Unit is grass land with trees and shrubs now surrounded by a low stone wall. Until the 1939-45 war there were iron railings in addition. Ever since he could remember the Council and before them the Corporation had kept it tidy, and it could in his view properly be regarded as being and having been in their possession.

It may, in the particular circumstances of this case be of no practical consequence whether I am satisfied as to the ownership of the City Council and then in accordance with sub-section (2) of section 8 of the 1965 Act direct their registration as owners, because if I am not satisfied that any person is the owner (there was no evidence that anybody other than the Council could be the owner), I am required by sub-section (3) of section 8 to direct their registration as owners. Notwithstanding that Mr. Knowles' evidence was brief and unsupported by documents, I can I think give full effect to what he said; accordingly on his evidence I am satisfied that the City Council has a good possessory title and is therefore the owner of the land, and I shall accordingly direct the Avon County Council, as registration authority to register the City Council of Bristol 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 7/4 —

day of April —

1975

a. a. Baden Fuller

Commons Commissioner