



COMMONS REGISTRATION ACT 1965

Reference No. 260/U/37

In the Matter of Frenchay Common,
 Winterbourne, Avon

DECISION

This reference relates to the question of the ownership of land known as Frenchay Common, Winterbourne, being the land comprised in the Land Section of Register Unit No. CL 105 in the Register of Common Land 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 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 Bath on 13 January 1983.

At the hearing the Winterbourne Parish Council was represented by Mr E M K Mead, its Clerk.

By an indenture made 30 June 1924 between (1) The Winterbourne Parish Council (2) Percival George Davies in settlement of a County Court action the Parish Council admitted that Mr Davies was seised in fee simple of all the manorial rights in and over the land in question. By a conveyance made 29 January 1953 between (1) P G Davies (2) The Parish Council Mr Davies conveyed to the Parish Council his rights, title, estate, and interests in the land in question. Prima facie the manorial rights in common land comprise the fee simple interest in the land itself, and there is nothing to show that this was not so in this case. Therefore I am satisfied that the Parish Council, as the successor in title of Mr Davies, is the owner of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register the Parish 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

19~~82~~

day of

January

1983

Chief Commons Commissioner