



COMMONS REGISTRATION ACT 1965

Reference No.32/U/26

In the Matter of the Green,
Southstoke, Bathavon R.D.,
Somerset

DECISION

This reference relates to the question of the ownership of land known as the Green, Southstoke, Bathavon Rural District being the land comprised in the Land Section of Register Unit No.V.G.12 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.

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 Taunton on 5 December 1972. The hearing was attended by the Southstoke Parish Council who were represented by Mr. G. W. Hignett who first lived in the Parish in 1911 when he was 3 years old, and who is and has been a member of the Council for at least 20 years and chairman for at least 10 years.

Mr. Hignett in his evidence said:- This land has been a village green ever since he could remember. The Parish Council has always been accepted as being in control of the Green, although their activities in relation to it have varied over the years, being dependent on the current feeling in the Village and the availability of money and voluntary labour. In recent years the Council had arranged for a street lamp to be erected to light the Green, and a teak seat to be placed on it, for shrubs to be planted there and for the grass to be mown regularly. Nobody has ever claimed adversely to the Council.

If I am not satisfied as to the ownership of the Council, I am required by subsection (3) of section 8 of the Act of 1965 to direct the County Council as registration authority to register the Parish Council as owner. Having regard to this circumstance, I can I think now give full weight to the evidence of Mr. Hignett and properly conclude from it that the Parish Council are in possession of the land in circumstances in which it is practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent to ownership.

For these reasons I am satisfied that Southstoke Parish Council is the owner of the land, and I shall accordingly direct the Somerset County Council, as registration authority, to register Southstoke Parish Council as the owner of the land under section 8(2) of the Act of 1965.



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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 18th day of December 1972.

a. a. Baden Fuller

Commons Commissioner