



## COMMONS REGISTRATION ACT 1965

Reference No 2/U/80

In the Matter of seven pieces of  
land in Hurley, Windsor and Maidenhead  
District, Berkshire

DECISION

This reference relates to the question of the ownership of two of and of parts of two other of the above mentioned seven pieces, all of which are in Hurley, Windsor and Maidenhead District, are the land comprised in the Land Section of Register Unit No CL17 in the Register of Commons Land maintained by the Berkshire County Council, are delineated on the overlapping maps being pages 2 and 3 of this decision. The circumstances relating to each of such pieces so far as they appear from the papers I have, are summarised in the Schedule hereto, and each of such pieces is hereinafter referred to by the number on the said maps and in the said Schedule specified. In the Ownership Section of the said Register Unit Mr B F W Scott is at Entry No 1 (dated 21 June 1968) finally registered under section 4 of the Commons Registration Act 1965 as the owner of Piece No 4. The title to Pieces No 2 and 3 and to parts of Pieces Nos 6 and 7 are registered under the Land Registration Acts 1925 to 1966 at H M Land Registry under Title Nos BK45847, BK41099, BK66554 and BK51651 respectively. This reference relates to the parts of the land in this Register Unit which are neither registered under the said section 4 of the 1965 Act nor under the said Acts 1925 to 1966, that is to say Pieces Nos 1 and 4 and parts of Pieces Nos 6 and 7.

Following upon the public notice of this reference no person claimed to be the freehold owner of pieces or parts of the pieces of the land in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Windsor on 18 July 1978. At the hearing Hurley Parish Council by Mr G Perrott their clerk. As a result of letters written by the Parish Council or possibly for some other reason I have letters as specified in the fourth column of the Schedule hereto.

Mr Perrott said (in effect):- Lady Clayton-East was at one time Lord of the Manor and she owned land which she dedicated under section 193 of the Law of Property Act 1925. Under the Commons Registration Act 1965 the Parish Council applied for the registration of what they considered to be common land including the land so dedicated. The Agents however, when registering Estate ownership seem to have drawn the boundaries differently, and this Register Unit, being for the most part of roadside wastes widely scattered, is a result of the discrepancy. In about 1975 the Trustees of the Lady Clayton-East Estate offered her common land for sale by tender and is the result much of the Parish Commons have been disposed of in about 100 odd lots to various residents; because the Parish is in a compulsory registration area under the Land Registration Acts 1925 to 1966, the title to any of the land so disposed of is or should now be registered under the Land Registration Act. The Parish Council can offer no evidence of ownership, because they have no certain knowledge as to the sales.

COMMONS REGISTRATION ACT 1975

Re: seven pieces of land at Hurley, Windsor & Maidenhead District, Berkshire.

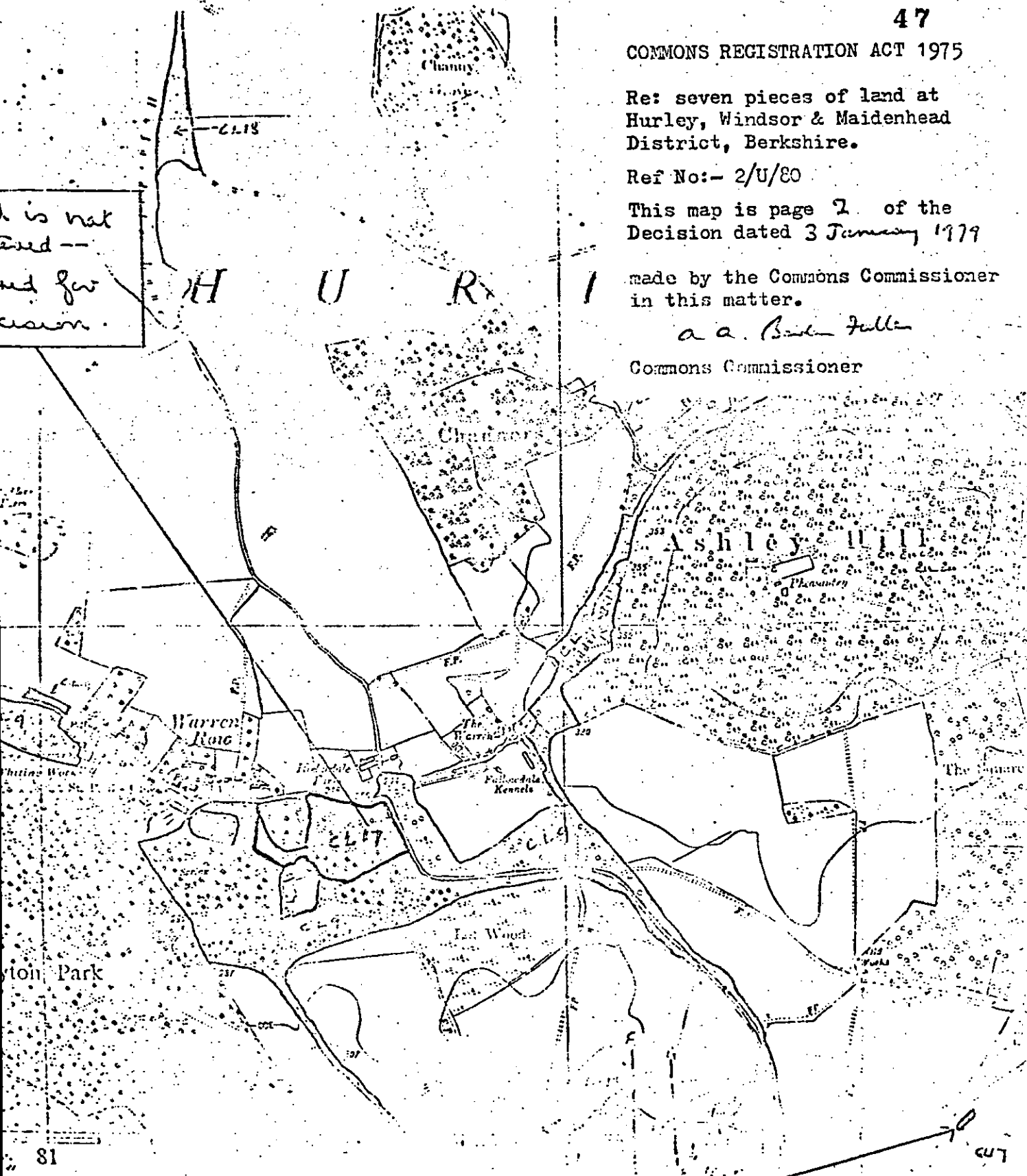
Ref No:- 2/U/80

This map is page 2 of the Decision dated 3 January 1979

made by the Commons Commissioner in this matter.

*a a. Bush Fuller*

Commons Commissioner



is not  
and --  
and for  
decision.

6. Part of the land is not registered -- indicated above on Land Register plan referred to in decision

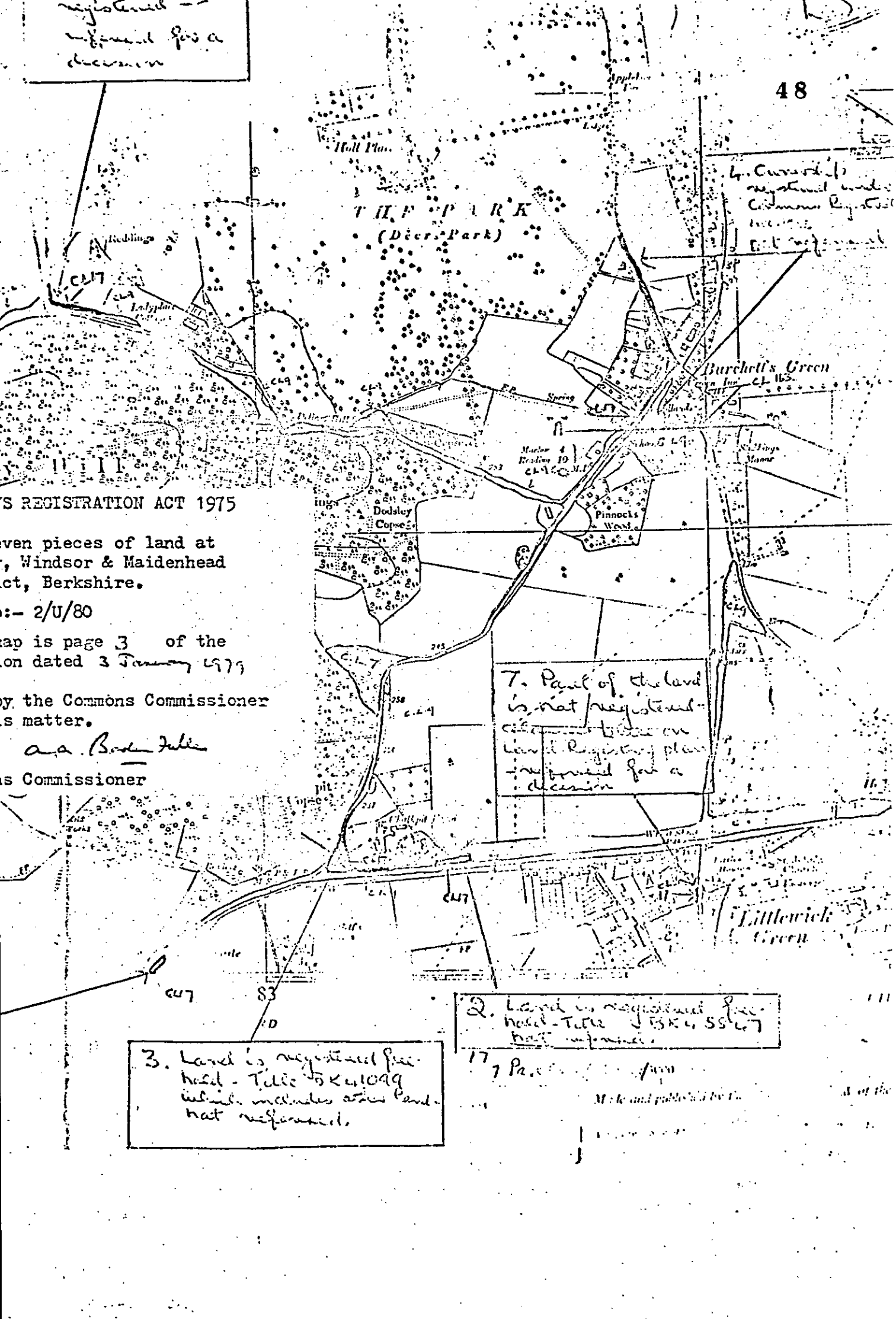
3. La  
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81

CL7

registered -  
referred for a  
decision



REGISTRATION ACT 1975

seven pieces of land at  
Windsor & Maidenhead  
Berkshire.

2/1/80

map is page 3 of the  
dated 3 January 1979

by the Commons Commissioner  
in this matter.

*a.a. Bond Jullis*

Commons Commissioner

7. Part of the land  
is not registered  
- referred for a  
decision

3. Land is registered free-  
hold - Title to K1099  
which includes other land  
not referred.

2. Land is registered free-  
hold - Title J5K4 5567  
not referred.

17 Part of the land

Made and published by the

at the



Most of the letters referred to in the Schedule hereto relate to Piece No 4 (west of Lady place cottages). I disregard these letters, because Mr Scott is in the ownership Section finally registered as above stated and I have therefore no jurisdiction as to the ownership of this piece.

I disregard the letter about Piece No 7 (at Littlewick Green), because I am unable in the absence of evidence given at the hearing to identify the land dealt with by the enclosed documents within any part of this Piece. However, I report for the benefit of the writer that I share his view that the land to which his documents relate probably do not ~~relate to~~ the Piece; I can express no definite view about this because the Certificate of Result of an official Search of the Index map supplied to me is dated 23 February 1973 (a few days before the date of the reference).

As regards the part of Piece No 5 (Hall and Bottle); - After some discussion with Mr Parrott, I said that I would adjourn the proceedings so far as they related to this piece for further hearing in London on a day to be fixed so that Mr & Mrs S Callaway could if they wished adduce evidence in support of their claim.

So, in this decision I am concerned only to express an opinion as to the ownership of Piece No 1 (Warren Row), Piece No 5 (Hall Place) and part of Piece No 7 (Littlewick Green which is not registered under Title No BK51651. In the absence of evidence I am not satisfied that any person is the owner of these lands and they will therefore (to the extent that no person is registered under the Land Registration Act 1925 to 1966 as the owner of them or any part of them). The main subject to protection under section 9 of the Act of 1966).

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.

TURN OVER

SCHEDULE

Piece No as shown on maps on pages 2 & 3	Short description used in land Registry Certificate of search dated 23 February 1973	Registrations if any	Other information or claims
1	Land at Warren Row	—	—
2	Land to the east of Chalkpit Green	all registered freehold title No BK45847	—
3	Chalk Pit Farm	all registered freehold title No BK41099 which includes other land	—
4	Land to the west of Lady-place Cottages	Mr B F W Scott on 21 June 1968 registered as owner under 1965 Act	Letter dated 11 July 1978 from Clifford Joseph, Solicitor of Isleworth Middlesex on behalf of Mr C D and Mrs S Joseph saying that they are registered owners of part under Title No. 141105.  Letter dated 31 July 1978 from Longden Walker & Renney, Solicitor of Sunderland on behalf of Mrs A H Morton saying that she is the owner of another part under title No BK138319.  Letter dated 15 July 1978 from Air Marshal Sir Anthony Selway KCB DFC saying that the ownership is in himself and Lady Selway under a purchase dated 18 July 1975. In a letter dated 15 Oct 1978, he explained that he only possessed three areas (lots 84, 85 & 87) all of which form part of this piece.
5	<i>Hall Place Lane</i>	—	—



6

Bell & Bottle  
Public House

Part (a triangular  
piece on the south  
east) registered  
under title No  
EK66554 which  
includes other land.

Letter of 7 January 1976 from  
B P Collins & Co, Solicitors  
of Marlow on behalf of  
proposed purchaser, saying in  
effect the unregistered part  
is a forecourt to which it  
would appear that the present  
owners have acquired title as  
the result of many years  
adverse possession.

Letter dated 14 January 1976  
from the said solicitors says  
that at the hearing they will  
put forward a claim in greater  
detail.

Letter dated 17 July 1975 from  
Loye & Durrant, Solicitors  
of Windsor asking for an  
adjournment.

Letter dated 8 August 1978  
from last mentioned solicitors  
to the same effect.

7

Land at Littlewick  
Green

Part (the west part)  
registered under  
Title No EK51651  
which includes  
other land

Letter dated 17 July 1978 from  
Mr Godfrey Davis enclosing  
copy conveyance dated 5 June  
1975 to Mrs S M Davis of land  
being (? north of) Piece No 7  
and referring to Title  
No EK139256 first registered  
28 November 1975

Dated this 3rd

day of January — 1987

*a. a. Baden Fuller*

Commons Commissioner



As regards the said errors, I correct my said January 1979 decision as follows:-

- a. Page 1, first paragraph, last line:- For "Piece Nos 1 and 4", substitute "Piece Nos 1 and 5".
- b. Page 4, third paragraph:- For "Piece No 5" substitute "Piece No 6".
- c. Page 4, fourth paragraph:- For "No 5 (Hall Place)" substitute "No 5 (Hall Place and west of Ladyplace Cottages)".
- d. Page 5, in the first and second column of the Schedule:- For "4. Land to the west of Ladyplace Cottages" substitute "4. Land at Burchetts Green"; and for "5. Hall Place Lane" substitute "5. Land in Hall, Place Lane and west of Ladyplace Cottages".

As regards the point taken on behalf of Sir Bernard F W Scott, the relevant words of my copy of the Ownership Section Registration are: "The land in Burchetts Green village comprised in this register units lying to the north, of the red line A-B on the register map". From my copy of the said map it is clear that these words describe the whole of Piece No 4. ~~I do~~ have no jurisdiction on this or on any other reference which could now be made to me to direct the County Council as registration authority to alter this Ownership Section registration; ~~or that~~ <sup>although</sup> it may be they have power to make the correction under Regulation 36 of the said 1966 Regulations. In case ~~that~~ they decide to make such a correction, so that in the result this reference does (or at any one time did) extend to include the part of Piece No 4 of which Sir Bernard F W Scott is not registered as owner under the 1965 Act, then for the reasons given above in relation to the claim of Mr and Mrs Callaway, I have no jurisdiction over so much if any of such part as is registered at HM Land Registry under Title Nos BK 141186, BK 138 319 and BK 14244. So to avoid the expense of a further hearing, I now record that I am not satisfied that any person is the owner of the part if any of Piece No 1 of which no person is registered under Section 4 of the 1965 Act as owner and which is not registered at HM Land Registry under the 1925 and 1965 Acts, and accordingly such part will remain subject to protection under Section 9 of the 1965 Act.

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 24<sup>th</sup> — day of September 1979

a. a. Braden-Jules

Commons Commissioner