COMMONS REGISTRATION ACT 1965   Reference No 238/U/5

In the Matter of Bury Wharf,
Bury, West Sussex

DECISION

This reference relates to the question of the ownership of land known as
Bury Wharf, Bury, being the land comprised in the Land Section of Register
Unit No CL. 234 in the Register of Common Land maintained by the West Sussex
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 the Bury Parish Council
claimed to be the freehold owner of the land in question and no other 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 Chichester on 11th June 1976.

At the hearing the Bury Parish Council was represented by Mr B R James,
solicitor.

The land the subject of this reference was allotted by the Inclosure Award
made 8th November 1854 under the Bury Inclosure Act of 1841 (4 & 5 Vict.c.4
(private)) to the Churchwardens and Overseers of the Parish of Bury. The
property of the Churchwardens and Overseers was transferred to the Parish
Council by sections 6(1)(c)(iii) and 67 of the Local Government Act 1894.
It appears from the minute books of the Parish Council that the Council has
continually exercised rights of ownership over the land in question since
the transfer.

For these reasons I am satisfied that the Bury Parish Council is the owner
of the land, and I shall accordingly direct the West Sussex 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 29th day of June   1976

Chief Commons Commissioner