



In the Matter of Lyneham Green, Lyneham,
Wiltshire

DECISION

This reference relates to the question of the ownership of land known as Lyneham Green, Lyneham, being the land comprised in the Land Section of Register Unit No. CL.47 in the Register of Common Land maintained by the Wiltshire 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 North Wiltshire District Council claimed to be the freehold owner of part of the land in question and the personal representatives of Mrs J R Walker Hepeage deceased claimed to be the freehold owners of the whole 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 Chippenham on 26 November 1981. At the hearing I gave leave to Mr D G Marsh, legal executive, to represent the personal representatives of Mrs Walker Hepeage, and there was no appearance on behalf of the North Wiltshire District Council.

There is no entry in the Rights Section of the Register Unit, so the land can only fall within the definition of "Common Land" in Section 22 (1) of the Act of 1965 by being waste land of a manor.

By an assent of 27 November 1951 Joan Raymond Walker Hepeage as personal representative of John David William Graham Walker Hepeage assented to the vesting in herself of the manor or lordship or reputed manor or lordship of Lyneham and the roadside wastes and common situate at Lyneham. This property was conveyed to Mr J D W G Walker Hepeage by an indenture made 26 March 1924 between (1) Godfrey Clement Walker Hepeage (2) J D W G Walker Hepeage (3) Charles Eric Few, Mrs J R Walker Hepeage died on 25 January 1975 and Probate of her will was granted on 17 April 1975 to William Henry Batten, Simon Anthony Helyar Walker Hepeage and Timothy Robin Helyar Walker Hepeage.

The North Wiltshire District Council sent to the Clerk of the Commons Commissioners what purported to be a copy of a Conveyance made 12 July 1971 between (1) John James Nash and Annie Nash (2) The Council of the Rural District of Cricklade and Wootton Bassett. The parcels of this Conveyance consist of a strip of land containing an area of 80 sq. yds which is shown on the annexed plan as being along the south western boundary of the land the subject of the reference. It appears, however, that this strip of land is bounded on its north eastern side by, but does not form part of the land the subject of the reference.



On this evidence I am satisfied that the personal representatives of the late Mrs J R Walker Hereage are the owners of the land, and I shall accordingly direct the Wiltshire County Council, as registration authority, to register them as the owners 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

11th

day of

January

1962

Chief Commons Commissioner