



COMMONS REGISTRATION ACT 1965

Reference No.41/U/13

In the Matter of The Village Pond Area,
Tollard Royal, Wiltshire.

DECISION

This reference relates to the question of the ownership of land known as The Village Pond Area, Tollard Royal, being the land comprised in the Land Section of Register Unit No.C.L.39 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 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 Salisbury on 23rd October 1973.

At the hearing the Tollard Royal Parish Council was represented by its Clerk, Mr. K.G. Burt. Mr. H.M. Trethowan, solicitor, on behalf of Mr. Michael Pitt-Rivers, the owner of the Rushmore Estate, who claims to be the lord of the manor of Tollard Royal, stated that he was instructed to make no claim to the ownership of the land in question on behalf of Mr. Pitt-Rivers.

The land the subject of the reference is maintained by the Parish Council as a car park for residents of Tollard Royal and visitors to the Village Hall. The minutes of the Parish Council show that the Council has been spending money on this land since 1933. In addition to merely keeping it tidy, the Council has acted adversely to the rights of any other possible owner. In particular, it has filled in the western end of a pond on the land, it has put down hard core to improve the surface for car parking, and it has given leave to the Southern Electricity Board to erect poles on the land.

On this evidence I am satisfied that the Tollard Royal Parish Council is the owner of the land, and I shall accordingly direct the Wiltshire 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 20th day of December 1973


Chief Commons Commissioner