



COMMONS REGISTRATION ACT 1965

Reference No. 13/U/104

In the Matter of Hill Recreation Ground,  
Hill, North Avon District, Avon

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DECISION

This reference relates to the question of the ownership of land known as Hill Recreation Ground containing about 0.880 of an acre, Hill, North Avon District being the land comprised in the Land Section of Register Unit No. VG. 101 in the Register of Town or Village Greens maintained by the Avon County Council (formerly Gloucestershire 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 in a letter dated 6 September 1973 Mrs P Kitson as chairman of Hill Parish Meeting claimed ownership of the land in question on behalf of the Parish Meeting, and in a letter dated 4 February 1976 Commons Open Spaces and Footpaths Preservation Society said that the land was allotted to the Churchwardens and Overseers of the Parish as a place for exercise and recreation for the inhabitants of the Parish and neighbourhood in the Hill Inclosure Award made on 25 July 1886 (meaning 1868), PRO reference, MAF 1, 314. No other person claimed to be the freehold owner of the land or 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 Bristol on 9 March 1976. At the hearing the Hill Parish Meeting were represented by Mrs P Kitson.

Mrs Kitson who has been chairman of the Parish Meeting since 1964 and came to the Parish when she was 2 years old (she is now 63), and whose father (Mr Jenner-Fust), grandfather and great-grandfather (also Jenner-Fust) had all been chairmen of the Parish Meeting, in the course of her evidence produced: (1) a note book entitled "Hill Recreation Ground" all in the handwriting of her grandfather, (2) the Parish Meeting Minute Book from 1894 to date, (3) the Parish Meeting Receipts and Payments Book from 1905 to 1949, and (4) the Parish Meeting Receipts and Payments Book from 1971 to date. The note book recorded: "On the enclosure in 1867 of the Waste Lands of the Parish of Hill 3 roods were allotted to the Churchwardens and Overseers of the Parish to be held by them and their successors in trust as a place of exercise and recreation for the inhabitants or the said Parish and neighbourhood, the fences...to be repaired...". The Receipts and Payments Books showed the regular receipts of a small annual rent in respect of the Recreation Ground, at first 15 shillings, later £1.25.

Mrs Kitson said (in effect):- The parish is a small one, about 100 people, and there is no parish council. The land is just a small pasture field, with a railing round; it was at one time used as a village school recreation ground, but now the school is no longer used; it is hardly ever used as a recreation ground, although it could be so used. It is now let to a local farmer.



In my opinion by the Local Government Act 1894, the land vested in the body corporate consisting of the chairman of the parish meeting and overseers of the parish constituted by section 19, see also section 5. By the Local Government Act 1933, this body corporate was reconstituted as "the representative body" of the parish, see section 47. By the Local Government Act 1972, this body corporate was reconstituted as "the parish trustees" of the parish, see section 13.

For the above reasons, I am satisfied that the Parish Trustees (meaning the said body corporate) are the owners of the land, and I shall accordingly direct the Avon County Council as registration authority, to register the Parish Trustees of Hill 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 17/6 day of March — 1976

*a. a. Boden Fuller*

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Commons Commissioner