



COMMONS REGISTRATION ACT 1965.

Reference No. 260/U/35

In the Matter of The Recreation Ground
(Old Down), Olveston, Avon

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground (Old Down), Olveston, being the land comprised in the Land Section of Register Unit No. VG 81 in the Register of Town or Village Greens maintained by the Avon 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 Bath on 13 January 1983.

At the hearing the Olveston Parish Council was represented by Mr. M C D. Kirby, Solicitor.

By the Inclosure Award made in 1844 under the Olveston Inclosure Act of 1841 (4+5 Vict. c.17 (private)) the south-western part of the land in question was allotted to the Surveyor of Highways of the Tithing of Olveston for supplying stones and other materials for the repair of the roads and ways within the Tithing and Parish of Olveston. By Sections 25 (1) and 67 (1) of the Local Government Act 1894 this land passed to and vested in the newly-created Rural District Council. By Section 30(1) of the Local Government Act 1929 the highway functions of the former Rural District Council were transferred to the former County Council, but the quarry would only have been transferred to the County Council under Section 118 (1)(b) of that Act if the Rural District Council so desired. There is no evidence that the Rural District Council did so desire. The quarry therefore passed to the North Avon District Council on 1 April 1974 by virtue of the Local Government (England) (Property etc) Order 1973 (S.L 1973 No. 1861).

The remainder of the land the subject of the reference was allotted and awarded by the Inclosure Award to the Churchwardens and Overseers of the Poor of the Parish of Olveston as a place of exercise and recreation of the neighbouring population. By sections 6(1)(c)(iii) and 67 of the Act of 1894 this part of the land was transferred to the Parish Council.

On this evidence I am satisfied that the District Council and the Parish Council are the owners of parts of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register those Councils as the



- 2 -

owners of their respective parts 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

19th

day of

January

1983

Chief Commons Commissioner