



COMMONS REGISTRATION ACT 1965

Reference No.1/U/45

In the Matter of The Old Pond and Village Green,
Westoning, Bedfordshire.

DECISION

This reference relates to the question of the ownership of land known as The Old Pond and Village Green, Westoning, being the land comprised in the Land Section of Register Unit No.C.L.5 in the Register of Common Land maintained by the Bedfordshire 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 Bedford on 14th February 1974.

At the hearing Mr. S.T. Morris, the Assistant Secretary of the Bedfordshire Association of Parish Councils, appeared for the Westoning Parish Council and for the Trustees of the Spensley Charity.

The land the subject of the reference consists of four small areas in the vicinity of the Parish Room, formerly used as a school and marked as such on the Register Map. Mr. Morris stated that the Trustees claimed to be the owners of one of these areas, a triangle lying to the south of the Parish Room, and that the Parish Council claimed to be the owner of the other three areas.

It appears from a scheme dated 24th May 1940 made by the Charity Commissioners that the land belonging to the Spensley Charity consists of a piece of land containing 1,360 sq.yds or thereabouts, having a frontage of 102 feet or thereabouts to the Village Green on the side facing Church Road, together with buildings used as a Parish Room, formerly used as a school, and a dwelling-house. This land and the buildings were vested in the Official Trustee of Charity Lands by virtue of section 6 of the Mortmain and Charitable Uses Act 1891 and by an instrument of assent dated 30th December 1939.

A comparison of the description in the Scheme with the Register Map shows that the triangle lying to the south of the Parish Room does not form part of the land referred to in the Scheme. It was stated in evidence that the triangle was used as the school playground for some years until 1913.

So far as the other three pieces of land included in the Register Unit are concerned, the grass on two of them has been cut by the Parish Council, while the grass on the other piece has been cut by the resident in the adjoining house.

On this evidence I am not satisfied that any person is the owner of the land and it will therefore be subject to protection under section 9 of the



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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 ~~15th~~ day of March 1974

A handwritten signature in cursive script, appearing to read 'J. H. Lamb', written over a horizontal line.

Chief Commons Commissioner