



COMMONS REGISTRATION ACT 1965

Reference No 2/U/71

In the Matter of Midgham Green, Midgham,
Newbury R.D., Berkshire

DECISION

This reference relates to the question of the ownership of land known as Midgham Green, Midgham, Newbury Rural District being the land comprised in the Land Section of Register Unit No CL.78 in the Register of Common Land maintained by the Berkshire 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. Newbury Rural District Council in a letter dated 2 January 1973 sent to the Clerk of the Commons Commissioners said that the land is owned by Midgham Parish Council under a conveyance dated 23 September 1955 the parties involved being as stated later in this decision. 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 Reading on 21 March 1973. The hearing was attended by Midgham Parish Council who were represented by Mr J A Rowe, their clerk.

Mr Rowe who has been clerk of the Parish Council for the last 4 years (and also deputy clerk of Newbury Rural District Council for the last 3 years) gave evidence.

He produced a conveyance dated 23 September 1955 made between (i) the Rt Hon G H H Earl of Clarendon (ii) Thomas Oakley (Luton) Limited (iii) Mrs F A Brown and (iv) the Parish Council by which after reciting that the Earl of Clarendon was seised for an estate in fee simple of the property and that Mrs Brown being a subpurchaser of it was desirous of freely conveying it to the Parish Council it was witnessed that the parties other than the Parish Council (Mrs Brown doing so freely and voluntarily) conveyed land described as "... situate... containing .700 of an acre ... and generally known as Midgham Green ... delineated ... on the plan annexed ..." to the Parish Council.

Mr Rowe who had known the land comprised in this Register Unit for 4 years identified it with the land described in and conveyed by the conveyance. It is an open area of grass land. It is the only Green in the Village and is a valuable amenity. A little north of the centre there is a dip well, formerly used by the adjoining cottages (before water was piped to the Village) as their water supply. Between the west and the south boundary there is a seat which was erected, and is maintained by the Parish Council; they also maintain a road or track along this boundary. The Parish Council have arranged with a local farmer to cut the grass. The conveyance is held by Mr Rowe on behalf of the Parish Council.

On the evidence outlined above I am satisfied that Midgham Parish Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority to register Midgham 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

27th

day of

March

1973

a. a. Baden Fuller

Commons Commissioner