



Reference No. 203/U/85

In the Matter of a recreation
ground in Marsh Gibbon, Aylesbury
Vale District, Buckinghamshire

DECISION

This reference relates to the question of the ownership of land containing about 5.09 acres being a recreation ground in Marsh Gibbon, Aylesbury Vale District and being the land comprised in the Land Section of Register Unit No. VG 97 in the Register of Town or Village Greens maintained by the Buckinghamshire 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 Marsh Gibbon Parish Council claimed (letter of 15 September 1977) ownership. No other person claimed to be the freehold owner of the land in question 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 Aylesbury on 19 June 1979. At the hearing Marsh Gibbon Parish Council were represented by Mrs J P Brunt their clerk; and Buckinghamshire County Council as registration authority, were represented by Mr C D Durrant of their County Secretary and Solicitor's Department.

With the said September 1977 letter was enclosed a letter dated 25 August 1977 and signed by Mr G B Broome (an elderly parishioner). Before the hearing, the Charity Commission sent an affidavit sworn on 13 June 1979 by Mr M J McManus, a higher executive officer employed with them.

Mr McManus referred to the Marsh Gibbon Inclosure Act 1841 (4 & 5 Vict. c.14) by which not less than 5 acres of land in the Parish had to be allotted to the Churchwardens and Overseers of the Parish as a place of exercise and recreation of the neighbouring population; and mentioned the Award under such Act by which such an allotment was made. In 1865 the Charity Commissioners had stated their opinion that the profits derived from letting the herbage of the allotment are solely applicable to the improvement of the ground itself as a place of exercise and recreation for the neighbouring population, and that no payment of part of such profits to the Surveyor of the Highways is authorised by the Trust.

Mr Broome in his letter mentioned the 1841 Act.

Mr Durrant produced from the County Archives the Award dated 17 December 1852 which recited the said Act and contained the said allotment.

Mrs Brunt who has been Clerk for about 18 months said (in effect):- The land has now on it a cricket field and a football pitch with swings etc for the children: on it there is a pavilion. The Parish Council control the use of the ground, and maintain it (eg recently they arranged for a tree in the hedge to be cut down). On the above evidence I am satisfied that the Parish Council as successors of the Churchwardens and Overseers are the owners of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Marsh Gibbon Parish Council 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 13th — day of July — 1979

a. a. Baden Fuller

Commons Commissioner