



COMMONS REGISTRATION ACT 1965

Reference No 3/U/57

In the Matter of Fulmer Recreation Ground  
Fulmer, Eton R.D., Buckinghamshire

DECISION

This reference relates to the question of the ownership of land known as Fulmer Recreation Ground, Fulmer, Eton Rural District, being the land comprised in the Land Section of Register Unit No VG.39 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 Fulmer Parish Council claimed to be the freehold owner of the land in question and 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 High Wycombe on 14 February 1973. The hearing was attended by the Fulmer Parish Council who were represented by Mr P A Bryett their Chairman.

Mr Bryett in the course of his evidence produced an Inclosure Award dated 23 April 1867 and made under the Inclosure Act 1845; it contained allotments as follows:-  
"...unto the Churchwardens and Overseers of the Poor of the said parish of Fulmer all those pieces or parcels of land numbered 7 and 26 on the said map, number 7 containing four acres and number 26 containing two acres four perches to be held by them and their successors in trust as a place for exercise and recreation for the inhabitants of the said parish and neighbourhood... And.... unto the said Churchwardens and Overseers of the Poor all that piece or parcel of land numbered 8 on the said map containing five acres to be held by them and their successors in trust as an allotment for the Labouring Poor of the said Parish of Fulmer subject ... to ... a rent charge of six pounds five shillings....".

Mr Bryett who has lived in Fulmer for 16 years, been a member of the Parish Council for 9 years and chairman for 7 years, in his evidence identified the land ("the Unit Land") comprised in this Register Unit: Ordnance Survey Map (1925 edition) thereon numbered 164a, 165 and 165a containing 1.263, 2.965 and .985 acres and the adjoining land on the north west thereon numbered 164 containing 3.632 acres and called "Allotment Gardens" with the plots numbered 6 and 7 on the map annexed to the Award; numbers 165 and 165a being the same as plot 7 and numbers 164 and 164a being the same as plot 8. He said the Unit Land is a well established recreation ground used under the direction of the Parish Council for football, cricket, hockey, tennis, and other outdoor activities. Number 164a is partly rough wood land; tennis courts from the adjoining number 165 obtrude into it in places; part on the west is let for use of the local Boy Scouts; a letting of a part on the north for the use of the local Girl Guides is under consideration. Number 164 is let in strips to residents as allotments for the growing of vegetables. The Parish Council on the Unit Land in 1968 relaid the cricket pitch and two tennis courts at a cost of £4,000 and in 1970 built a pavilion at the cost of £4,000: their annual expenditure on maintenance is approximately £2,000. The money came from the Parish Council precept, from Grants made by the County Playing Fields Association and from Eton Rural District Council. Before the war, a grant had been received from the King George the Fifth Playing Fields Association.



I am not I think concerned to consider how part of plot 8 by the 1867 Award allotted for the poor came to be used as it now is, for recreational purposes. This reference relates to the ownership of the Unit Land, that is ownership of the legal estate in fee simple, see section 22(2) of the Act of 1965. However it is used, the ownership by the Award granted to the Churchwardens and Overseers of the Poor has devolved on the Parish Council either under the Local Government Act 1894 section 6(1)(c) and section 67 or under The Overseers Order 1927 articles 4 and 6.

For these reasons I am satisfied that Fulmer Parish Council is the owner of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Fulmer 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 12<sup>th</sup> day of March 1973

*a. a. Baden Fuller*

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Commons Commissioner