



In the Matter of Land At Beacon Hill,  
Penn, Bucks

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DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 202 in the Register of Common Land maintained by the Bucks 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 Earl Howe and Penn Parish Council each claimed to be the freehold owner of the land in question ("the Register Unit") 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 Aylesbury on 21 February 1979.

At the hearing, Mr P H Maitland, Solicitor, of the firm of Trower Still and Keeling appeared on behalf of Earl Howe and the Parish Council was represented by its clerk, Mr D B Chappell.

The claim by the Parish Council was withdrawn. As regards the claim on behalf of Earl Howe, I refer to my decision in Re Penn Street Common (Reference No. 203/U/66) where I considered the documentary title of Earl Howe, the problem of identification and a general submission made by Mr Maitland. In this case I cannot identify the Register Unit as part of the land comprised in the documentary title and in the absence of sufficient evidence that it formed part of a manor vested in Earl Howe by the 1957 Deed, the general submission is, in my view, not applicable.

In the result I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

5<sup>th</sup> July

1979

*L. J. Morris Smith*

Commons Commissioner