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COMMONS REGISTRATION ACT 1965

Reference No. 203/U/106

In the Matter of Land at Fagnall Lane, 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 197 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.

Mr Chappell offered no evidence in support of the Parish Council's claim. In my decision Re Penn Street Common (Reference No. 203/U/66) I refer to the documentary title of Earl Howe, to the problem of identification of the Register Unit, and to Mr Maitland's general submission. The Register Unit is a small area of .17 of an acre: precise identification on the plans relevant to the documentary title is difficult, but, doing the best I can, I think it was included in the 1957 Deed and I shall direct the Bucks County Council to register Earl Howe 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

5 July

1979

Commons Commissioner