



COMMONS REGISTRATION ACT 1965

Reference No 203/U/28

In the Matter of Mayditch Common,
Ivinghoe Ashton, Aylesbury Vale District,
Buckinghamshire

DECISION

This reference relates to the question of the ownership of land containing about 20.29 acres known as Mayditch Common, Ivinghoe Ashton, Aylesbury Vale District being the land comprised in the Land Section of Register Unit No CL. 239 in the Register of Common Land 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 Ivinghoe Parish Council sent a statement about the land being Parish property. 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 4th October 1977. At the hearing Ivinghoe Parish Council were represented by Mr D Leach their chairman, and Buckinghamshire County Council as registration authority were represented by Mr C D Durrant of the County Secretary and Solicitor's Department.

The said statement included: "Mayditch Common was allotted to the Parish in exchange for several small parcels of land indiscriminately sited and under Parish ownership as a result of various charitable bequests of a minor nature. It now endows the "Poors Land Charity". Although administered by trustees only some of whom are appointed by the Parish Council there can be no doubt that this is Parish property. Adjustments to the Parish boundary - not affecting the land itself, have created administrative problems but these are currently resolved to everyone's apparent satisfaction".

Mr I A Horn who made the said statement and who has lived in the Parish all his life (born 1919), been a member of the Parish Council since about 1950 and their chairman from 1967 to 1976, in the course of his evidence produced: (1) a scheme made on 11 June 1915 by the Charity Commissioners in the matter of the Charity called "The Poor's Land in...Ivinghoe..." comprised in an order of the Charity Commissioners of 27 February 1885, (2) the minute book of the meetings of the Poor's Land Trustees from 14 April 1919 to 7 December 1963, (3) a map ("The 1882 Map") of certain allotments, (4) a memorandum of the admission to copyhold land containing 1 acre 1 rood 8 perches of Rev W J Hamilton, vicar of Ivinghoe and others upon trust for the Poor Inhabitants of the Parish.



Mr Horn said (in effect):- The land is arable land which is now and has for many years been let by the Trustees under the Scheme (currently at the yearly rent of £300). Under the Scheme there are six Trustees (the Vicar of Ivinghoe ex officio, three appointed by the Ivinghoe Parish Council, and one by the Little Gadsden Parish Council and two cooptative); the income is applicable for the poor of the Ancient Parish of Ivinghoe, who are now and have (as appears from the Minute Book) for many years administered the Charity under it. The land is the only source of income of the Charity and this is now being distributed amongst the old age pensioners of the Parish of Ivinghoe including those of Ringshall (part of the old ecclesiastical parish but now in Little Gadsden). The 1882 map was so he understood a map of the allotment made to poor persons pursuant to an act of Parliament following a Parliamentary commission held in 1880. The copyhold land referred to in the memorandum of admission is particularly mentioned in note 2 of the Schedule of property forming part of the 1915 Scheme.

Mr Durrant produced from the County Archives the Ivinghoe Inclosure Award dated 10 August 1825 made under the Ivinghoe Inclosure Act 1822 (2 Geo 4 c. 1). The Award included six allotments numbered on the map to the trustees for the Ivinghoe Poor"; the map shows the pieces so numbered as together making up the land comprised in this Register Unit.

The Act referred to by Mr Horn is I suppose the Allotments Extension Act 1882, mentioned in the Scheme; he said that the allotments for the poor so carried on under it were he believed carried on until about 1920, but after that it all went back into one occupation. I infer that the land is the same as that described in the 1915 Scheme Schedule of property as..."arable land...containing 20 acres...", as to which there is a note that it was by the 1885 Order then vested in The Official Trustee of Charity Lands. Further by the 1915 Scheme all the land specified in such Schedule is thereby vested in the same Trustee. On the evidence summarised above, I am satisfied that the land is now the property of the Charity and that the Official Custodian for Charities as the successor under the Charities Act 1960 of the Official Trustee of Charity Lands, is the owner of it, and I shall accordingly direct the Buckinghamshire County Council as registration authority to register the Official Custodian for Charities 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 24th day of October _____ 1977

a. a. Boden Fuller

Commons Commissioner