



COMMONS REGISTRATION ACT 1965

Reference No. 203/U/68

In the Matter of Penn Common (part), BucksDECISION

This reference relates to the question of the ownership of land forming part of Penn Common being the land comprised in the Land Section of Register Unit No VG 66 in the Register of Town or Village Greens 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 Penn Parish Council and Earl Howe, each 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 Aylesbury on 21 February 1979.

Mr D B Chappell, Clerk to the Parish Council, appeared on its behalf and there also attended Mr Durrant, of the County Council staff, and Mr Maitland, a partner in the firm of Trotter Still and Keeling, Solicitors, representing Earl Howe.

By an Inclosure Award dated 23 August 1855 the land was allotted to the Churchwardens and Overseers of the Parish of Penn for use for exercise and recreation of the inhabitants of the Parish. The land is partly pond and partly open space, which has been maintained by the Parish Council by grass cutting and tree planting: the Council's books show expenditure for this purpose for over 20 years. Ownership of this land was not now claimed by Earl Howe.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Bucks County Council, as registration authority, to register the 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 28<sup>th</sup> day of March 1979  
*h. j. Morris Smith*  
Commons Commissioner