



In the Matter of Recreation Ground at
Naphill, Hughenden

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. VG 70 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 Naphill Village Hall and Playing Fields Council ("the Council") claimed to be the owner of the land in question ("the Unit land") and the Charity Commission 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 2 October 1980.

At the hearing the Council was represented by its past Chairman Mr R Pushman. An affidavit sworn by Mr Michael J McManus, an officer of the Charity Commission had been received.

By a Conveyance dated 5 March 1931, a piece of land at Naphill containing some 6½ acres was conveyed to H A Oakeshott and Others ("the Purchasers"). By a Deed of Declaration of Trust dated 6 May 1931, the Purchasers declared that they held the piece of land on trust to be used in perpetuity as a Recreation Ground for the inhabitants of Naphill: and by an Order dated 22 September 1931 the piece of land was vested in the Official Trustee of Charity lands. Under the Declaration of Trust the general management control of the piece of land is vested in a Council of Management.

The piece of land referred to included the Unit land and on the evidence I am satisfied that the Official Custodian for Charities is the owner of the land.

I shall accordingly direct the Bucks County Council, as registration authority, to register the Official Custodian 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

22 October

1980

H. J. Morris Smith

Commons Commissioners