

COMMONS REGISTRATION ACT 1965



Reference No. 203/U/168

In the Matter of The Eastern Part of The  
Green, Woughton-on-the-Green, Buckinghamshire  
(No. 2)

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DECISION

This reference relates to the question of the ownership of the eastern part of The Green, being the land comprised in the Land Section of Register Unit No. VG 11 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

Mr Commissioner Hesketh held a hearing for the purpose of inquiring into the question of the ownership of the land at Aylesbury on 4 February 1982.

There was no appearance at the hearing, so in the absence of any evidence the learned Commissioner was not satisfied that any person was the owner of the land, and he decided to direct the Buckinghamshire County Council, as registration authority, to register the Woughton-on-the-Green Parish Council as the owner of the land under section 8(3) of the Act of 1965.

After notice of this decision was given, Solicitors acting for Mr W F Clarkson made an application under reg. 21(1) of the Commons Commissioners Regulations 1971 for the decision to be set aside and the hearing re-opened.

Mr Commissioner Hesketh appointed 1 December 1982 for the hearing of this application but he was unfortunately unwell on that day, so in the exercise of my powers under reg. 29 of the Regulations of 1971 I directed that the proceedings should be continued before myself.

On this occasion Mr Clarkson was represented by Mr J G Phillips, Solicitor, and the Woughton-on-the-Green Parish Council by Mr P J Horne, its Chairman.

I was satisfied that Mr Clarkson had sufficient reason for his absence from the hearing on 4 February 1982.

Mr Phillips informed me that he was in a position to prove Mr Clarkson's title to the land, so I decided to proceed with the re-hearing immediately in order to minimize the costs incurred by Mr Clarkson.

The land in question was conveyed to Mr Clarkson by a Conveyance made 20 May 1965 between (1) W Clarkson and Sons Ltd (2) Walter Frederick Clarkson. There was a good root of title in an indenture made 25 January 1909 between (1) Charles Henry Beeston Prescott-Westcar (2) Robert Burgoyne (3) Walter Clarkson.



On this evidence I am satisfied that Mr Clarkson is the owner of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register him 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 10th day of December 1982

Chief Commons Commissioner