



In the Matter of The Pound, Penn, Bucks

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DECISION

This reference relates to the question of the ownership of land known as The Pound, Penn being the land comprised in the Land Section of Register Unit No. CL 200 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.

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. Irrespective of the Parish Council's claim, I would not be satisfied as to ownership by Earl Howe, since (a) I cannot sufficiently identify the Register Unit as part of the land comprised in the documentary title (b) as regards the general submission, there is no sufficient evidence that the Register Unit was part of a manor vested in Earl Howe by the 1957 Deed.

The Parish Council's claim is based on its receipt of rent since the year 1956. Its Receipt Books show payment of a rent of 50p per annum from the Crown Public House, which the Register Unit - a small area of .13 acre - adjoins; and in June - July 1972 there was correspondence between the Council and the owners of the Public House and their solicitors with regard to an increase of the rent, which was agreed at £10 pa. I think a possessory title in the Parish Council is sufficiently established 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

5 July

1979

*L. J. Morris Smith*

Commons Commissioner