



COMMONS REGISTRATION ACT 1965

Reference No 3/U/58

In the Matter of the Recreation Ground,
Lee Road, Quainton, Aylesbury R.D.
Buckinghamshire

DECISION

This reference relates to the question of the ownership of land known as the Recreation Ground, Lee Road, Quainton, Aylesbury Rural District being the land comprised in the Land Section of Register Unit No VG.41 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 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 High Wycombe on 15 February 1973. The hearing was attended by Quainton Parish Council who were represented by Mr J I Faircloth their chairman and by the Buckingham County Council who as registration authority were represented by Mr R H D Hamilton their Deputy Clerk.

Mr Faircloth who has resided in the county since 1953, resided in Quainton for the last five years and been a member of the Parish Council for the last three years and chairman for the last year, in the course of his evidence produced an Inclosure Award dated 15 February 1843 containing an allotment in these words:- "UNTO and for the Churchwardens and Overseers of the Poor of the said Parish of Quainton and their successors to be held by them as a place of exercise and recreation for the inhabitants of the said Parish of Quainton one allotment of land or ground situated in Lee Causeway Furlong and Shipton Lee Freeboard containing 4 acres bounded on the north by a public road in the hamlet of Shipton Lee on the east and south by an allotment to Bet King and on the west by an old inclosure of the hamlet of Shipton Lee the boundary fence of this allotment is next to the said road". On the map annexed to the Award, the land so allotted is plot no. 140.

Mr Faircloth said that the Award was deposited in the bank on behalf of the Parish Council. The land comprised in this Register Unit and known as the Recreation Ground had as far as he knew always been used as such; at present it is rented by the Parish Council to the local football club who do most of the looking after it.

Mr Hamilton referred me to the Quainton Inclosure Act (3 and 4 Vict. chap xv); section 44 of the Act authorises an allotment in the terms quoted above.

The land passed from the Churchwardens and Overseers to the Parish Council under section 6 (1) (c) (iii) and section 67 of the Local Government Act 1894.

On the evidence outlined above I am satisfied that Quainton Parish Council is the owner of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Quainton 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 26th day of March 1973

a. a. Baden Fuller,

Commons Commissioner