



In the Matter of Whitewashing Pond, Kiln Lane,
Lacey Green, Buckinghamshire.

DECISION

This reference relates to the question of the ownership of land known as Whitewashing Pond, Kiln Lane, Lacey Green, being the land comprised in the Land Section of Register Unit No. CL 128 in the Register of Common Land 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 Mr N Nuttall 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 29 June 1978.

At the hearing Mr R Wise, solicitor, appeared on behalf of Mr Nuttall.

The land in question, was awarded as a public pond by the Inclosure Award made 13 March 1823 under the Princes Risborough Inclosure Act of 1820 (1 Geo. IV, c.18 (private)). By 1969 the pond had been in the possession of the Lacey Green Parish Council for at least the period of 50 years without any adverse claim having been made to it by any person. The Parish Council obtained the consent of the Minister of Housing and Local Government under section 170 of the Local Government Act 1933 to the sale of the land to Mr Nuttall and his wife. This transaction was effected by a conveyance made 25 November 1969 between
(1) The Parish Council (2) Norman Nuttall and Sonia Lois Nuttall (his wife).

There was produced to me a statutory declaration by Mr E W Jones, the Chairman of the Parish Council, in which he said: "I verily believe that in so far as the application related to the pond there was an error in that it was not deleted from the Register of Commons within the statutory period": Such an error is, however, a matter over which I have any jurisdiction. The land is at present registered as common land and my only jurisdiction is to enquire into its ownership.

On the evidence before me I am satisfied that Mr and Mrs Nuttall are the owners of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register them as the owners 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

3rd

day of

August

1978

CHIEF COMMONS COMMISSIONER