



In the matter of Recreation Allotment Ground, Great Gidding, Huntingdon D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No.VG 48 in the Register of Town or Village Greens maintained by the Cambridgeshire 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 Great Gidding Parish Council claimed to be the freehold owner of the land in question ("the Unit land").

I held hearings for the purpose of inquiring into the question of the ownership of the land at Cambridge on 8 March 1983 and 23 October 1984. At the second hearing Mr A L Benstock, Solicitor, appeared on behalf of the Parish Council.

The evidence consisted of a certified copy of the Great Gidding Inclosure Award of 1869, and the Affidavit with exhibits of Mr Arthur Gray, an Officer of the Charity Commission. By the Inclosure Award the Unit land was allotted to the Churchwardens and Overseers of Great Gidding parish as a place for exercise and recreation for the local inhabitants. By the same Award a nearby piece of land (No 62 on the 1926 OS Map) was allotted to the Churchwardens and Overseers as an allotment for the labouring poor of the parish. By a Scheme dated 21 September 1977 the Charity Commissioners authorised an exchange of the Unit land and OS 62; and by a Deed of Exchange dated 19 March 1979 three named individuals, recited to be fee simple owners of each of the pieces of land, and as trustees of the Charities, purported to effect the exchange. If this Deed was effective it would appear that the Unit land is now held on trust for the labouring poor, not as the Recreation Allotment.

There was no evidence to show that the Unit land had vested in the 3 individuals, and in these circumstances it appears that it vested in the Parish Council under the provisions of the Local Government Act 1894. I shall accordingly direct the County Council as registration authority to register the Parish Council as owner under Section 8(2) of the 1965 Act. The registration will not include any reference to the trusts affecting the Unit land.

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 10 January 1985

*L. J. Morris Smith*  
Commons Commissioner