



COMMONS REGISTRATION ACT 1965

Reference No. 6/U/16

In the Matter of Cummings Memorial
Recreation Ground, Lizard, Landewednack
Kerrier R.D., Cornwall

DECISION

This reference relates to the question of the ownership of land known as Cummings Memorial Recreation Ground, Lizard, Landewednack, Kerrier Rural District being the land comprised in the Land Section of Register Unit No. C.L.221 in the Register of Common Land maintained by the Cornwall 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 Landewednack Parish Council claimed that the Official Custodian for Charities is 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 Truro on 13th July 1972.

At the hearing the Parish Council was represented by Mr.A.W.R. Harris, who gave evidence before me. I also had an affidavit sworn on 6th July 1972 by Mr.R.Dawson, a Higher Executive Officer employed at the London Office of the Charity Commissioners.

Mr.Harris is the Chairman of the Parish Council and has been a member for the last 21 years. He knows the land well. In the course of his evidence he produced a lease dated 21st December 1923, a conveyance dated 17th October 1927 and an order dated 24th February 1928. By the conveyance the land was conveyed to five persons therein described as "the Committee of Management of the Lizard Recreation Ground" in fee simple to the intent that the term of 21 years granted by the said lease should merge "upon trust to preserve the same for the recreation of the inhabitants of the Parish of Landewednack and others of the public in such manner and subject to such regulations in all respects as the Committee of Management may from time to time think proper..." By the said order the Charity Commissioners ordered that the land comprised in the said conveyance vest in the Official Trustee of Charity Lands. Mr.Harris identified the land comprised in the said conveyance with the land comprised in this Register Unit; the land is now, and has been as far as Mr.Harris knows ever since sometime before the conveyance, used as a recreation field for football, cricket and other sports. Before an order dated 21st October 1970 the recreation there was controlled by a Committee of Management of which Mr.Harris was a member; by this order the Secretary of State for Education and Science appointed the Parish Council to be the Trustee for the administration of the foundation known as "The Lizard Recreation Ground" and ever since it has been controlled by the Parish Council.



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Mr. Dawson in his affidavit after exhibiting copies of the said conveyance of 17th October 1927 and orders of 17th October 1927 and the 21st October 1970, submitted that the Official Custodian for Charities (the successor of the Official Trustee for Charity Lands) should be registered as owner.

For these reasons I am satisfied that the Official Custodian for Charities is the owner of the land, and I shall accordingly direct the Cornwall County Council as registration authority, to register the Official Custodian for Charities as the owner of the 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 this.. 18th day of September 1972

C. A. Baden Fuller,

Commons Commissioner