



COMMONS REGISTRATION ACT 1965

Reference No. 9/U/19

In the Matter of The Recreation Ground
Bratton Fleming, Devon

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Bratton Fleming, being the land comprised in the Land Section of Register Unit No. V.G.35 in the Register of Town or Village Greens maintained by the Devon 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 the Bratton Fleming Parish Council 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 Barnstaple on 28th March 1972.

There was produced to me an indenture made 29th February 1900 between Sir Edward Chichester, Bt. and the Parish Council. This indenture recites that under an inclosure award dated 1st May 1841 made under the Bratton Fleming Inclosure Act (1 & 2 Vict., c.5 (private)) the land in question was awarded to the lord of the manor of Bratton Fleming for the time being in trust for the inhabitants of the parish as a place of exercise and recreation, and that Sir Edward Chichester had succeeded to the lordship of the manor. By the indenture Sir Edward conveyed the land to the Parish Council to be held in trust for the inhabitants of the parish as a place of exercise and recreation. There was also produced to me an order dated 12th January 1900 made by the Charity Commissioners under section 14(1) of the Local Government Act 1894 approving of the transfer of the land to the Parish Council.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register the Bratton Fleming Parish Council 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 24th day of April 1972


Chief Commons Commissioner