



COMMONS REGISTRATION ACT 1965

Reference No 37/U/62

In the Matter of the Tye, Alfriston,
Hailsham R.D., East Sussex

DECISION

This reference relates to the question of the ownership of land known as The Tye, Alfriston, Hailsham Rural District being the land comprised in the Land Section of Register Unit No VG.18 in the Register of Town or Village Greens maintained by the East Sussex 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; the Charity Commission in a letter dated 22 November 1972 said they might to submit evidence; 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 Lewes on 8 March 1973. The hearing was attended by Alfriston Parish Council who were represented by Mr B D Cooper solicitor of Messrs Coles & James Solicitors of Hailsham. The Charity Commission sent to the Clerk of the Commons Commissioners an affidavit sworn on 21 February 1973 by Mr E Cooper a Higher Executive Officer at their office.

Mr B D Cooper said that the Parish Council relied on the said affidavit, ^{and} the exhibits thereto, being a copy indenture dated July 1879 and two orders and two schemes made by the Charity Commissioners. By the indenture land commonly known by the name "The Tye" was conveyed to the then Churchwardens of the parish of Alfriston to be held as public ground for the purposes of the Recreation Grounds Act 1859 and it was declared that the management and direction should be in a Committee of five persons elected by the Vestry of the Parish.

By an order dated 23 November 1894 made under the said 1859 Act, byelaws were approved. By a scheme dated 21 December 1900, it was provided among other things that the land and hereditaments belonging to the Charity ("Tye Recreation Ground") were thereby vested in the Official Trustee of Charity Lands. By a scheme dated 3 December 1907 it was provided that the management and direction of the recreation ground should be and remain in the Parish Council of Alfriston.

Mr F H Glogg who is and for nearly two years has been a member of the Parish Council, and who has lived in the Village for nearly 9 years, gave oral evidence. He identified the land which had always been known as "The Tye" with the land comprised in this Register Unit. It is grass land, a pleasant open space and a valuable amenity for the Village. The Parish Council exercise their powers of management and enforce the byelaws.

On the evidence outlined above, I am satisfied that the Official Custodian for Charities (the successor of the Official Trustee of Charity Lands) is the owner of the land, and I shall accordingly direct the East Sussex County Council, as registration authority to register the Official Custodian for Charities 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

23rd

day of

March

1973

a. a. Baden Fuller

Commons Commissioner