



Reference Nos 213/U/77  
213/U/78  
213/U/79

COMMONS REGISTRATION ACT 1965

In the Matter of (1) the Village Green Bussage, (2) the Recreation Ground Bussage, and (3) the Recreation Ground France Lynch, all in Chalford, Stroud District, Gloucestershire

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DECISION

These references relate to the question of the ownership of lands known as (1) the Village Green Bussage containing about 0.06 of an acre, (2) the Recreation Ground Bussage containing 4.948 acres, and (3) the Recreation Ground France Lynch containing about 8.112 acres, all in Chalford, Stroud District being the lands comprised in the Land Section of Register Unit (1) No VG 95, (2) No VG 130, and (3) No VG 131 in the Register of Town or Village Greens maintained by the Gloucestershire 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 Gloucestershire County Council said (letter of 31 May 1974) that they had been informed by the Secretary of the Commons, Open Spaces, and Footpaths Preservation Society (the VG 130 and VG 131 registrations were made on their application) that the VG 130 and VG 131 lands were allotted and awarded to the church wardens and overseers of the poor for the exercise and recreation of the inhabitants in an enclosure award dated 3 September 1869. No person claimed to be the freehold owner of the lands in question and no other person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Gloucester on 22 November 1973. At the hearing Chalford Parish Council on whose application the VG 95 registration was made, were represented by Mrs D M Collins one of their members.

Mrs Collins who has been a member of the Parish Council since 1955, said (in effect):- The Village Green (the VG 95 land) has been planted and tidied by the Council and has always been assumed to be the Parish Green. But she had no documents relating to any of the lands.

The 1974 letter indicates that the Parish Council might if they could find a copy of the Award mentioned prove that they owned the VG 130 and VG 131 lands as successors of the church wardens and overseers, and I therefore gave the Parish Council 42 days in which to apply for an adjournment so that they could obtain further evidence which might satisfy me that they are the owners, with the result that I would by sub-section (2) of section 3 of the 1965 Act be obliged to direct their registration as owners. However it may not to the Parish Council be worth the trouble and expense of doing this, because if I am not satisfied that any person is the owner (and there has



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been no suggestion that any person other than the Parish Council could be the owner), I am obliged by subsection (3) of the said section to direct the registration of the Parish Council as owners.

I have not received any application for an adjournment, so I have no evidence as to the ownership of any of the lands. In the absence of any evidence I am not satisfied that any person is the owner of the lands, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register Chalford Parish Council as the owner of the lands under section 8(3) 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 15<sup>th</sup> — day of *January* 1979

*A. A. Bacon Fuller*

Commons Commissioner