



COMMONS REGISTRATION ACT 1965

Reference No 213/U/82

In the Matter of Bournes Green Recreation Ground,
Bournes Green, Bisley with Lypiatt, Stroud District,
Gloucestershire

DECISION

This reference relates to the question of the ownership of land known as Bournes Green Recreation Ground, Bournes Green, Bisley with Lypiatt, Stroud District being the land comprised in the Land Section of Register Unit No VG 123 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 dated 31 May 1974) that they had been informed by The Commons Open Spaces and Footpaths Preservation Society that this land was allotted and awarded to the churchwardens and overseers of the poor for the exercise and recreation of the inhabitants in an enclosure award for the parish of Bisley dated 3.9.1869. No person is 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 Gloucester on 22 November 1978. At the hearing Bisley with Lypiatt Parish Council were represented by Mr H Kirkwood their Vice Chairman (Mr M J Gooch their Chairman was present).

The land in this Register Unit, according to the Register Map, comprises 7 pieces. Mr Kirkwood produced a printed copy of the Bisley Inclosure Award 1869 and said that he found it obscure in that it was difficult to identify the lands thereby allotted (some for the purpose of recreation) with all or any of the pieces which together make up the land in this Register Unit. He described them and said that the grass was cut from time to time. The Parish Council could apart from the Award offer no evidence of ownership and he suggested that I proceed under subsection (3) of Section 8 of the 1965 Act.

The Award is I think obscure and I shall therefore adopt this suggestion. On the evidence summarised above I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register Bisley with Lypiatt Parish Council as the owner of the land 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 11th ——— day of December ——— 1978

A. A. Baden Fuller

Commons Commissioner