



COMMONS REGISTRATION ACT 1965

Reference No. 213/U/87

In the Matter of Coaley Recreation
Ground, Coaley, Stroud District
Gloucestershire

DECISION

This reference relates to the question of the ownership of land known as Coaley Recreation Ground, Coaley, Stroud District being the land comprised in the Land Section of Register Unit No. VG 136 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 the Secretary of the Commons, Open Spaces, and Footpaths Preservation Society (the registration was made on their application) had informed them that the 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 dated 25.8.1876. No person 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 23 November 1978. At the hearing Coaley Parish Council were represented by Mr T C Chivers their vicechairman and the Charity Commission were represented by Mr Rabagliati.

Shortly before the hearing Coaley Parish Council (letter of 10 November 1978) provided a summary of the facts hereinafter set out and the Charity Commission (letter of 17 November 1978) said that their files contained evidence to the effect that there is a charitable interest in the whole or part of the land, and raised the question whether provisions of section 8(4) of the 1965 Act refer back not only to section 8(3) but to section 8(2) as well.

Mr Chivers who has lived in the Parish for 10 years and been a member of the Parish Council since 1972 and vicechairman since 1976, in the course of his evidence produced: (1) the Coaley Inclosure Award dated 7 December 1876 and the map dated 26 June 1875 therein referred to by which 2 acres of land were allotted in trust as a place for the exercise and recreation for the inhabitants and the neighbourhood; (2) an order dated 19 April 1901 and made by the Board of Agriculture by which other land was substituted for the said 2 acres; (3) a conveyance dated 9 May 1901 by which Mr H W Prout conveyed to the Parish Council land containing 1 a. 2 r. 4 p; (4) a copy of a scheme made on 12 August 1951 by the Board of Education for the management of the land containing 2A 3R 9P "the Recreation Ground Charity" and 0A. 1R. 35P. "the Village Hall Charity".

The land ("the Unit Land") in this Register Unit contains (according to the Register) about 3.275 acres. Mr Chivers identified the Unit Land with that taken by the Parish Council under the 1901 order and the 1901 conveyance; and this was agreed



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by Mr B Prout the present Parish Council chairman, and the son of Mr H W Prout who made the 1901 conveyance; they agreed that the 1901 scheme in fact referred to the one charity constituted by the Award, the order and the purchase in 1901 by the Parish Council of additional land, and that there were never two charities as might be supposed from the above extract from the ~~1901~~ Scheme. The Unit Land is now being used as a recreation ground managed by the Parish Council as a childrens' playground and as a football field; for the Village it is a valuable amenity.

On the evidence summarised above I am satisfied that the Parish Council are the owners of the Unit Land and I shall accordingly direct that the Gloucestershire County Council as registration authority to register Coaley Parish Council as the owners of the land under section 8(2) of the Act of 1965. I have no jurisdiction to determine the question raised by the Charity Commission in their 1978 letter, and I consider therefore that I should express no opinion about it.

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 17th - day of January 1979

a. a. Baker *Baker*

Commons Commissioner