



COMMONS REGISTRATION ACT 1965

Reference No 30/U/14
30/U/15

In the Matters of (1) The Village Green and
(2) The Recreation Ground, both in South Luffenham,
Uppingham R.D., Rutland

DECISION

These references relate to the question of the ownership of lands known as (1) the Village Green and (2) the Recreation Ground both in South Luffenham, Uppingham Rural District being the land comprised in the Land Section of Register Unit Nos VG.23 and VG.24 in the Register of Town or Village Greens maintained by the Rutland 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 and no 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 lands at Oakham on 9 May 1973. The hearing was attended by the South Luffenham Parish Council who were represented by Mr R J Piggins their clerk. Mr Piggins asked me to hear both references together.

Mr J R Stapleton who is aged 58, has lived in the Village all his life, been a member of the Parish Council for 20 years and chairman for 6 years, produced an Inclosure Award dated 24 January 1882. The Award related to the Open Fields in the parish of South Luffenham and the Heath (including Flasket or Plasket Leys) and contained an allotment in these words:- "And I declare that I have set out and do hereby set out allot and award unto the Churchwardens and Overseers of the Poor of the said Parish of South Luffenham all those pieces or parcels of land numbered 1 and 2 on the said Map containing respectively eight perches and six acres to be held by them and their successors in trust as places for exercise and recreation for the inhabitants of the said parish and neighbourhood. And I direct...".

Mr Stapleton identified the land now known as the Village Green (extending to about 8 perches) with that numbered 1 on the Award Map. It is a small piece of unfenced grass land in the centre of the Village, near the Church, with a tree and a telephone kiosk; the grass is cut once a year by the County Roadmen; children play cricket and other games there but it is not large enough for any serious game. Mr Stapleton remembered that when he was a lad, the Green was surrounded by posts and chains; but these became delapidated and were never replaced.

Mr Stapleton also identified the land now known as the Recreation Ground (extending to about 6 acres) with that numbered 2 on the Award Map. One half has been used mainly by a cricket club in the summer months; in about 1947 the club erected the present pavillion in place of a wooden pavillion. The other half is used for footabll and there are some swings, see-saws etc for children. The club pay rent to the Parish Council and share with the Council the cost of the upkeep.



It is and has for at least for the last 5 years been a very nice ground; previously the grass was rougher and it was grazed by sheep when it was not used by the inhabitants of the village for recreation.

Since the hearing, I have ascertained that the 1882 Award was authorised (among others) by the Inclosure Provisional Orders Confirmation Act 1878, 41 & 42 Vict. chap. ccxxxiii. From this Act it appears that the Inclosure Commissioners at first proposed a recreation ground of 4 acres and that as a result of a recommendation made by a Committee of the House of Commons, this area was "augmented by not less than 2 acres". This recommendation may explain why the Recreation Ground in South Luffenham is larger than some recreation grounds allotted under other Awards elsewhere.

On the evidence summarised above, I am satisfied that the Parish Council as successor in title of the Churchwardens and Overseers is the owner of the land, and I shall accordingly direct the Rutland County Council, as registration authority, to register South Luffenham Parish Council 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

24th

day of

May

1973

A. A. Baden Fuller

Commons Commissioner