



COMMONS REGISTRATION ACT 1965

Reference No 21/U/7

In the Matter of Holmfield Park,
Braunstone, Blaby District, Leicestershire

DECISION

This reference relates to the question of the ownership of land known as Holmfield Park (having a frontage to Wardens Walk and Oak Crescent), Braunstone, Blaby District being the land comprised in the Land Section of Register Unit No VG. 71 in the Register of Town or Village Greens maintained by the Leicestershire 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 the Clerk of Braunstone Parish Council in a letter dated 4 May 1973 said that his Council claim to be the owners, the title being contained in deeds held by the Bank, and C D Geach Solicitor of Leicester who was acting for the Council in relation to Shakespeare Park (registration VG. 70) in a letter dated 13 July 1976 said he was not concerned with Holmfield Park. No other person claimed to be the freehold owner of the land in question or 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 Leicester on 20 July 1976. Mr J K Clarke who is a member of Braunstone Parish Council attended as an observer, but the Council was not represented.

The land comprised in this Register Unit contains (according to the Register map) 6.05 acres. In the reference (form 37) it is described as: Playing Field at the end of Holmfield Avenue East off Braunstone Lane.

It may be that if the Parish Council had been represented and the deeds mentioned in the 1973 letter had been produced, I would have been satisfied that the Parish Council are the owners and would accordingly under subsection (2) of section 8 of the Act of 1965 have directed their registration as owners. Whether I would have done so may be of no practical consequence because under subsection (3) of the section, if I am not satisfied as to ownership, I am required to direct the registration of the Parish Council as owners.

However this may be, having had the advantage of discussing the matter with Mr Clarke, I can only record that in the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Leicestershire County Council, as registration authority, to register Braunstone Parish Council as the owners 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 27th — day of July — 1976

a. a. Baden Fuller

Commons Commissioner