



COMMONS REGISTRATION ACT 1965

Reference No 30/U/23

In the Matter of land at Beast Hill,
Uppingham, Rutland

DECISION

This reference relates to the question of the ownership of land at Beast Hill abutting South View and the Old School, Uppingham Parish, Uppingham Rural District being the land comprised in the Land Section of Register Unit No VG.35 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 land at Oakham on 9 May 1973. The hearing was attended by the Uppingham Parish Council who were represented by Mr N Branston their clerk and by Uppingham Rural District Council who were also represented by Mr Branston their clerk.

Mr Branston said:- Before this land was registered under the Act of 1965 by the County Council, neither the Parish Council nor the Rural District Council had done anything on it. Subsequently ownership was considered and a letter dated 24 August 1970 was written to the Bursar of Uppingham School informing him that the land had been registered, that the Parish Council proposed to improve the land at a cost of £800 and that before proceeding they would like confirmation that the Trustees of the School did not propose to enter evidence in support of ownership. As a result there was discovered a cutting dated 25 October 1935 from the Lincoln, Rutland and Stamford Mercury from which it appeared that Mr Hawley, an Old Uppinghamian had then just purchased the Beast Hill from the Trustees of the Earl of Gainsborough and presented it to the trustees of Uppingham School for preservation as an open space, that Mr Hawley had also placed at the top of the hill an oak seat bearing the inscription "U.S.", that the Beast Hill is so called because in years gone by the cattle market was held on the waste ground, that in the top left hand corner of the hill adjoining the churchyard is the old pound overt or pinfold, the use of which dates back to before 1634 and that the Rector had then recently purchased this pinfold, tidied it up and made use of it for horticultural purposes. The Bursar in a letter dated 7 October 1970 stated that a long and unavailing search had been made for documents relating to this property; there was a minute of a meeting of the School Trustees held on 6 March 1935 recording an agreement in respect of land known as Beast Hill purchased by Mr Hawley for the School Trustees; the solicitors who acted for Mr Hawley at the time have destroyed their file in connection with the purchase. By a deed (which Mr Branston produced) dated 3 July 1971 the Trustees of Uppingham School (two of them executed the deed) "who are or are believed to be the owners of the freehold estate in land at Beast Hill..." as trustees dedicate such land for use by Uppingham Parish Council and the inhabitants of Uppingham as a village green." After the deed was made the Parish Council have tidied up and improved the land so that it is now an open piece of grass land open for enjoyment by the inhabitants. At the same time, they can enjoy



the pound mentioned in the 1935 cutting: this is marked by a notice board and is accessible from (although not part of) the land comprised in this Register Unit.

The evidence outlined above seems to me to fall short of establishing that the Parish Council or anyone else is the estate owner in respect of the fee simple of the land. For this reason I am not satisfied that any person is the owner of the land and I shall accordingly direct the Rutland County Council, as registration authority to register Uppingham 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 21st day of May 1973

a. a. Baden Fuller

Commons Commissioner