



In the Matter of the Play Area, Blaby  
Parish, Blaby District, Leicestershire

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DECISION

This reference relates to the question of the ownership of land known as the Play Area, being two pieces adjoining The Crescent, off Western Drive, Blaby Parish, Blaby District and being the land comprised in the "Land Section of Register Unit No CL. 12 in the Register of Common Land 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 Blaby Rural District Council said (in effect):- This land is part of that conveyed to the Council by a conveyance dated 1 June 1945. The land was acquired for the purposes of Part V of the Housing Act 1936 and the majority of the land was developed with local authority housing which was completed by March 1948. Subsequently the two small pieces of land, the subject of the registration, which were within the area acquired in 1945, were laid out as open spaces for the benefit of the residents of the estate in accordance with the powers contained in section 79(1)(a) of the 1936 Act. Although it is unlikely that these two pieces of land will be required for housing development, they are still held by the Council for housing purposes. The Council had no notice of the registration until after the period had expired within which objections should be made to provisional registrations. An application by the Council under section 13 of the 1965 Act was rejected by the County Council as registration authority.

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. At the hearing Blaby District Council were represented by Mr J L Munby of counsel instructed by Bilson & Sharp, Solicitors of Leicester, and Blaby Parish Council were represented by Mr Cecil H Ward their clerk.

Mr C E Wright who is personal assistant to the Chief Executive Officer of Blaby District Council and who started in 1965 with Blaby Rural District Council, in the course of his evidence produced two conveyances dated 1 June 1945 and 28 January 1946 by which Mr W Scott conveyed to Blaby Rural District Council about 6 acres of land and about 5½ acres of land, which 11½ acres included the land on which were subsequently built the houses now fronting on The Crescent. The smaller of the two pieces comprising this Register Unit, being a piece approximately square on the east side of The Crescent, opposite Nos 10, 12 and 14, and the greater part of the larger of the two pieces, being an irregularly-shaped piece in the middle of The Crescent and except where it joins The Crescent opposite Nos 29 and 31 is for the most part surrounded by the back gardens of



houses fronting on The Crescent, ~~was~~<sup>were</sup> included in the 1945 conveyance. The remainder of the larger of the two pieces was included in the 1946 conveyance. Mr Wright also produced the Statutory Instruments made under the Local Government Act 1972 by which Blaby District Council became entitled to the land in succession to Blaby Rural District Council.

I have no jurisdiction to determine whether the registration was properly made, or whether having been made, it ought to be amended under section 13 of the 1965 Act. On this reference, I can only consider ownership. As to this, on the evidence summarised above I am satisfied that the District Council are the owners of the land, and I shall accordingly direct the Leicestershire County Council as registration authority to register Blaby District Council as the owners 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 4<sup>th</sup> day of August —

1976

a. a. Baden Fuller

Commons Commissioner