



COMMONS REGISTRATION ACT 1965

Reference No. 30/U/1

In the Matter of the Village Green,
Lyddington, Uppingham R.D., Rutland

DECISION

This reference relates to the question of the ownership of land known as the Village Green (adjoining the east side of Main Street), Lyddington, Uppingham Rural District being the land comprised in the Land Section of Register Unit No. V.G.1 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 Lyddington Parish Council claimed to be the freehold owner of whole or some part 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 Oakham on 9 May 1973. The hearing was attended by Lyddington Parish Council who were represented by Mr. F. R. Potter their clerk.

The land ("the Unit Land") comprised in this Register Unit is now (as a result of a registration amendment consequent on the deletion of the land comprising the public highway and of a strip of highway verge) in two pieces.

Mr. Potter who has been clerk of the Parish Council since 1941 and has lived in the Village since 1940 gave evidence.

He produced a conveyance dated 26 June 1947 and an indenture dated 16 April 1887. By the conveyance Mrs. E. M. Clarke as a free gift conveyed to the Parish Council as public pleasure grounds the "Blacksmiths Shop with the Shoeing Shed and garden ground thereto adjoining situate on the Village Green... delineated... in the... plan drawn in the margin of a certain indenture... dated" 1887. Mrs. Clarke gave the land (among other reasons) to provide a bus shelter. Shortly after the conveyance the Shop and Shed were demolished and the bus shelter erected; it is still there. The land so conveyed comprises the greater part of the southern of the said two pieces.

Mr. Potter produced the current minute book of the Council (it commenced with a meeting on 15 April 1932) containing a minute relating to a meeting held on 22 September 1955 as follows:- "It was reported that Mr. J. H. Colwell had agreed to give the small piece of land on the Green claimed by him to the Parish Council and it was decided to record this gift with thanks". The Parish Council has no deed relating to this gift or to this piece of land. It was ^{in 1955} owned by Mr. John Henry Colwell of Lyddington and was formerly Cottage property (the cottages have long since been demolished). It comprises the remaining part of the southern of the said two pieces.

There are no deeds relating to the northern of the said two pieces. This piece is marked on the Ordnance Map (1904 edition) as "THE GREEN". Ever since Mr. Potter has known it there has been a village green there; into it were incorporated the two parts of the southern of the said two pieces as soon as they were given (1927 and 1955). For at least 20 years, the Parish Council have maintained the Green (except the highway part), arranging for a rota of



inhabitants to do the work voluntarily. A tree was planted there to commemorate the coronation of Her present Majesty. The Parish Council have received way leave payments from the Electricity Board.

On the evidence summarised above, I have no difficulty in concluding that the Parish Council are the owners of so much of the Unit Land as was conveyed by the 1927 conveyance. As regards to the remainder, the evidence as to ownership is slender. If I am not satisfied that the Parish Council are the owners I am nevertheless required by subsection (3) of section 8 of the 1965 Act to direct the registration of the Parish Council as owners and under such registration they will become owners; so there is not and cannot be any challenge to the present claim of the Parish Council that I ought under subsection (2) to be satisfied that they are now the owners. In these circumstances, I think I can properly conclude on the evidence outlined above that the Parish Council are in possession of the remainder of the Unit Land and that it is practically certain that their possession will never be disturbed; possession in such circumstances is equivalent to ownership.

For the above reasons I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Rutland County Council, as registration authority, to register Lyddington Parish 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 6th day of June 1973.

A. A. Baden Fuller

Commons Commissioner