



COMMONS REGISTRATION ACT 1965

Reference Nos 26/U/38
26/U/39
26/U/40
26/U/41

In the Matter of four several
parts of The Village Green,
Braunston, Daventry District,
Northamptonshire

DECISION

These references relate to the question of the ownership of lands being several parts of The Village Green, Braunston, Daventry District, and being the lands comprised in the Land Section of Register Unit Nos VG. 41, VG. 44, VG. 45 and VG. 46 in the Register of Town or Village Greens maintained by the Northamptonshire 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 lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Northampton on 6 July 1977. At the hearing Braunston Parish Council were represented by Mr G E Green their clerk.

Mr Green said that in 1972 he had at a hearing before myself given evidence about these lands, and ~~that~~ contended that I ought at this hearing to have regard to what he then said. The proceedings to which he referred related to disputes occasioned by objections made by the County Council to the registrations made on the application of the Parish Council of these lands in the Register of Town or Village Greens. I held a hearing for the purpose of inquiring into these disputes on 19 and 20 July 1972, and my decision is dated 25 October 1972 under reference nos 26/D/12-17.

Much of the evidence given by Mr Green at 1972 hearing is summarised in my 1972 decision. I have since the 1977 hearing looked at my note of what he said in 1972. Although the summary in my 1972 decision of what he said was primarily directed to the question whether these lands were or were not within the definition of a town or village green in section 22 of the 1965 Act, many of the facts summarised support the conclusion that the Parish Council have for many years been in possession of these lands. My note of what Mr Green said supports the same conclusion. I need not I think repeat my 1972 summary or say more than that I am satisfied that on evidence then given by Mr Green that the Parish Council have for many years been in possession of these lands in circumstances in which it is practically certain that such possession will not be disturbed.



Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that the Parish Council are the owners of the lands and I shall accordingly direct the Northampton County Council as registration authority to register Braunston Parish Council as the owner of the lands 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 4th day of August —

1977

a. a. Baden Fuller

Commons Commissioner