



217

In the Matter of Land fronting from the Village Hall
to the Red Lion Inn, Chelgrove, Oxfordshire

DECISION

This reference relates to the question of the ownership of land fronting from the Village Hall to the Red Lion Inn, Chelgrove, being the land comprised in the Land Section of Register Unit No. CL 103 in the Register of Common Land maintained by the former Oxfordshire 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 Mrs J A Drury claimed to be the freehold owner of 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 Oxford on 19 July 1978.

At the hearing the Chalgrove Parish Council was represented by Mr F G Fitzgerald, its Clerk.

The land in question consists of a narrow strip on the north-east side of the road between the Village Hall and the Red Lion Inn.

On 2 September 1907 the Parish Council passed a resolution fixing a scale of charges to be made for roundabouts, shows, etc on the Village Green on the occasion of the annual Chalgrove Feast. Mr Fitzgerald gave evidence that roundabouts, shows, etc were placed on the land comprised in the Register Unit when he was a child and a young man (he is now 60) until he joined the Army in 1940. There was, however, no evidence that the Parish Council received any money in respect of the roundabouts, shows, etc.

There are no rights of common registered in the Rights Section of the Register Unit, so the land in question can only fall within the definition of "common land" in Section 22 of the Act of 1965 by being waste land of a manor and section 10 of that Act makes the registration conclusive evidence of that fact. Mr Fitzgerald said that Magdalen College, Oxford was formerly lord of the manor, but that there is now no longer a manor. This is a legal impossibility.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 24th day of

July

1978

CHIEF COMMONS COMMISSIONER