



COMMONS REGISTRATION ACT 1965

Reference Nos. 234/U/132-138

In the Matter of (1) North Green (2) St Edmund's Green
 (3) Bartholomew's Green (4) Church Green (5) East Green
 (6) St James Green (7) South Green and Gun Hill, Southwold

DECISION

These references relate to the question of ^{the ownership of} the seven pieces of land described above, which are respectively the lands comprised in the Land Section of the respective Register Units No. VG 80, VG 81, VG 82, VG 83, VG 84, VG 85 and VG 86 in the Register of Town or Village Greens maintained by the former East Suffolk County Council, of none of which is any person registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of these references Waveney District Council claimed to be the freehold owner of the lands in question and Southwold Town Council 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 lands at Ipswich on 26 February 1980.

At the hearing Mr Barnes, Solicitor, of the District Council appeared on its behalf. The seven greens are all part of what are and have been commonly called 'Town Greens', Southwold. The claim to ownership of each of the Greens is made by the District Council as successor to Southwold Borough Council (now Southwold Town Council). This succession is based on the provisions of Article 16(3)(a) and Schedule 4 Part II of S.1. 1973 No. 1861, relating to the transfer of property following the reorganisation of local authorities under the Local Government Act 1972. The ownership of the District Council as successor to Southwold Borough Council itself depends upon the ownership of the Borough Council. This Council, it appears, was incorporated by Charter in 1490. The documentary evidence of title in the Borough Council is, perhaps not unexpectedly, slender. All that Mr Barnes was able to produce was (i) the Approval dated 12 May 1927 by the Minister of Health to the sale by the Council of a piece of "corporate land" adjacent to VG 81, (ii) a Lease dated 24 February 1837 by the Borough of land called Church Green (not the present VG 83) lying to the north and east of the church.

Evidence was given by Mr Horace Townsend who was from 1955 to 1974, Town Clerk of the Borough Council and is now Clerk of the Town Council. He said that the Town Greens were always regarded as corporate property of the Borough Council, which administered and controlled them and erected notices as to games allowed and as to the parking of vehicles. Portions of the Greens were sold by the Borough Council from time to time - in 1929 a large section of St Edmund's Green (VG 81) was transferred to the Church Authorities as an extension of Church Land. On South Green, an ancient fair has been held every year with the consent of the Borough Council. The grass was mowed and the Greens kept tidy by the Borough Council and this work is now carried on by Waveney District Council.



Mr Townsend confirmed that following the Local Government Act 1972 it was agreed that the Town Greens be transferred to the District Council.

On this evidence I am satisfied that Waveney District Council is the owner of the lands, and I shall accordingly direct the Suffolk County Council, as registration authority, to register the District Council as the owner 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

10 April

1980

L. J. Morris Smith

Commons Commissioner