



In the Matter of Recreation Allotment,  
Westhall

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DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. VG 58 in the Register of Town or Village Greens maintained by the former East Suffolk 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 Westhall Parish Council claimed to be the freehold owner of the land in question ("the Unit land") and the Charity Commission 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 Unit land at Ipswich on 26 February 1980.

At the hearing the Parish Council was represented by its Chairman, Mr W J Johnson. By an Inclosure Award made and confirmed in January 1853 the Unit land was allotted to the Churchwardens and Overseers of the Poor of the Parish of Westhall in trust as a place of exercise and recreation for the Inhabitants of the Parish and neighbourhood.

In 1881 a Scheme was established by Order of the Charity Commissioners dated 1 November 1881 for the regulation of the Charity; the provisions of the Scheme did not affect the ownership but provided for the making of rules and regulations for the management preservation and care of the Unit land as a recreation ground by the Churchwardens and Overseers. By virtue of the provisions of Sections 5, 6 and 67 of the Local Government Act 1894, the Unit land became vested in the Parish Council. Mr Johnson in evidence said that the Unit land was used for recreation, though not a great deal as there is a nearby playing field. The Parish Council has tidied up and re-seeded the land.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Westhall Parish Council as the owner of the Unit 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

17 March

1980

*L. J. Morris Smith*

Commons Commissioner