



COMMONS REGISTRATION ACT 1965

Reference No.35/U/6

In the Matter of The Green,
Cavendish, West Suffolk.

DECISION

This reference relates to the question of the ownership of land known as The Green, Cavendish, being the land comprised in the Land Section of Register Unit No.V.G.8 in the Register of Town or Village Greens maintained by the West 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 no person claimed to be the freehold owner of the land in question and no one 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 Bury St. Edmunds on 30th January 1973.

At the hearing Mr. E. Piercy, the Clerk to the Cavendish Parish Council, appeared on behalf of his Council. Mr. Piercy called two witnesses, Mr. F.W. Doe, the Chairman of the Council, who has known the land the subject of the reference for 31 years, and Mr. T.B. Ambrose, the Vice-Chairman, who has been a member of the Council for 53 years, and has known the land since the last decade of the nineteenth century. It is clear from the evidence of these witnesses that the Parish Council has during the whole period of living memory dealt with the Green in a manner inconsistent with its ownership by any other person. Until about 20 years ago the Council collected charges from the stall-holders at the annual Fair held on the Green. The Council has planted trees and made and maintained paths on the Green, and whenever it is to be used for any local function the permission of the Council is sought and obtained. On this evidence it appears that the Parish Council has a good possessory title.

For these reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the West Suffolk County Council, as registration authority, to register the Cavendish Parish Council as the owner of the land under section 3(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 21st day of February 1973


Chief Commons Commissioner