



COMMONS REGISTRATION ACT 1965

Reference No.241/U/2

In the Matter of The Recreation Ground,
Landford, Wiltshire.

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Landford, being the land comprised in the Land Section of Register Unit No.VG 34 in the Register of Town or Village Greens maintained by the former Wiltshire 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 the Landford Parish Council claimed to be the freehold owner 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 Salisbury on 25th January 1975.

At the hearing the Parish Council was represented by Mr Martin Shallcross, one of its members.

The land comprised in the Register Unit is a rectangle with its northern and southern sides 400 ft long. Although physically undivided, the eastern quarter of the land has a different legal history from the western three-quarters.

By an inclosure award made 5th September 1861 under the Annual Inclosure Act 1858 a piece of land in Landford was allotted to the Churchwardens and Overseers of the Parish of Landford in trust as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. By virtue of sections 6(1)(c)(iii) and 67 of the Local Government Act 1894 this piece of land became vested in the Parish Council. By an order of exchange dated 7th July 1913 made under the Inclosure Acts 1845 to 1899 the piece of land allotted by the award was exchanged for the western three-quarters of the land the subject of the reference.

On this evidence I am satisfied that the Parish Council is the owner of the western three-quarters of the land, and I shall accordingly direct the Wiltshire County Council, as registration authority, to register the Parish Council as the owner of that part of the land under section 8(2) of the Act of 1965.

By the inclosure award a piece of land was allotted to Frances Elizabeth, Dowager Countess Nelson subject to an obligation to permit it to be used for exercise and recreation for the inhabitants of the parish of Landford and neighbourhood. By a second order of exchange also dated 7th July 1913 this piece of land was exchanged for the eastern quarter of the land the subject of the reference. It was stated in this order of exchange that the land allotted to Lady Nelson was then held by Douglas Eyre of Lord's Oak, Landford. There was, however, no evidence whether Mr Eyre is still alive at a very advanced age



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or who, if anybody, is his successor in title. I am therefore not satisfied that any person is the owner of the eastern quarter of the land and I shall accordingly direct the County Council to register the Parish ^{Council} as the owner of that part of the land under section 8(3) 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 6th day of March 1975

Chief Commons Commissioner