



COMMONS REGISTRATION ACT 1965

Reference No 2/U/28

In the Matter of Bowden Green, Pangbourne  
Bradfield R.D., Berkshire

DECISION

This reference relates to the question of the ownership of land known as Bowden Green, Pangbourne, Bradfield Rural District being the land comprised in the Land Section of Register Unit No VG.13 in the Register of Town or Village Greens maintained by the Berkshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

In a letter dated 8 August 1972 to the Clerk of the Commons Commissioners, Pangbourne Parish Council said that they had been made responsible for the management of the land under a Scheme dated 11 October 1912 and made by the Charity Commissioners, but they were content that the land is owned by Bradfield Rural District Council. In a letter dated 17 August 1972, sent to the Clerk of the Commons Commissioners, Bradfield Rural District Council claimed to be the freehold owners of the land. Following upon the public notice of this reference no other person claimed to be the owner or 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 Reading on 20 March 1973. The hearing was attended by Bradfield Rural District Council who were represented by Mr M T Newby their Assistant Clerk.

Evidence was given by Mr R Dawson (he is employed as a Higher Executive Officer at the Offices of the Charity Commission) in an affidavit sworn on 14 March 1973 and by Mr Newby orally.

Mr Newby produced a bundle of documents held by the Council. One of them was a copy of a letter dated 8 February 1911 by which the Rural District Council granted to the Parish Council permission to remove undergrowth and weeds on Bowden Green. Another was a copy of a letter dated 16 June 1911 from the Rural District Council to the Parish Council enclosing copies of correspondence with the Charity Commissioners with regards to a scheme then intended (subsequently made as below mentioned) and a copy of an indenture dated 20 April 1897. Mr Newby said that the Rural District Council had no trace of the original indenture; from the copy it appears to have been made between Sir Benjamin Baker and the Rural District Council and after detailed recitals as to the circumstances in which it had come to be made, to have been thereby witnessed "that for the avoidance of disputes ... Sir Benjamin Baker doth hereby ... dedicate ... Bowden Green to the Council for the use of the Public forever to the intent that ... the use of the said piece of land for all purposes of public recreation shall be preserved ...".

To the affidavit of Mr Dawson was exhibited a Scheme dated 11 October 1912 and made by the Charity Commissioners. The charity was described as "the open space known as Bowden Green"; in the Order of approving the scheme recited that the Rural District Council were then acting in the administration of the Charity: by the Scheme it was provided that the charity and endowment thereof consisting of the land in the Schedule described as containing three acres or thereabouts, should be administered by the Bradford Rural District Council and that the said land was thereby vested in the Council.



On the evidence outlined above I am satisfied that the Council is the owner of the land and I shall accordingly direct the Berkshire County Council as registration authority to register Bradfield Rural District Council as the owner of the 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 this 30<sup>th</sup> day of March 1973

*a. a. Baden Fuller*

Commons Commissioner