



COMMONS REGISTRATION ACT 1965

Reference Nos 3/U/4
3/U/5

In the Matters of (1) the Village Green and
(2) the Village Pond, Chalfont St Giles,
Amersham R.D., Buckinghamshire

DECISION

These references relate to the question of the ownership of lands known as (1) the Village Green and (2) the Village Pond, Chalfont St Giles, Amersham Rural District being the lands comprised in the Land Section of Register Unit Nos CL.95 and CL.96 respectively in the Register of Common Land maintained by the Buckinghamshire 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 these references no person claimed to be the freehold owner of the lands in question and no person 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 High Wycombe on 16 February 1973. The hearing was attended by Chalfont St Giles Parish Council ("the Council") who were represented by Mr G S Golding their clerk.

Mr Golding, who lived in the Village close to the Green from 1941 to 1957 and now lives at Chalfont St Peter (about 2 miles away) gave evidence.

The Green (CL.95) is a flat piece of grass land. Its north-west boundary (approximately a straight line) is the High Street; its south-east boundary is the metalled road between the Green and the buildings and lands on the south-east. On it there is a Village Sign illustrating Saint Giles and giving the name of the Village.

The Pond (CL.96) or land so called was formerly all covered with water; through it flowed some of the water of the River Misbourne. About 10 years ago, with a view to making the land more attractive, the banks were built up, the pond was made smaller, a well was dug, and electric pump installed, and on the newly formed dry land shrubs were planted and public seats provided.

The minute books of the Council, which go back to before 1900, show the concern of the Council with the Green and the Pond. From 1932 onwards, they show that the Council was at their cost maintaining the Green and the Pond by mowing the grass, cleaning away rubbish and so forth. The works done to the Pond as above mentioned were done at the cost of the Council (except that a silt chamber was built by the County Council at the request of the Parish Council). About 10 years ago the Council at their expense filled up and grassed over a track which formerly crossed the Green.

The Green and the Pond had been thought to be manorial land. However Mrs A Bashall-Dawson who lived at the Manor House (the Vache) and who was reputed to be lady of the manor had told a number of persons (including Mr Golding who knew her quite well), that she disclaimed any interest in the Green and the Pond; about sometime between 1957 and 1960, she sold the Vache to the National Coal Board who now own it; before this she had for about 50 years lived at the Vache. Nobody had



as far as Mr Golding knew, ever disputed the right of the Council to look after the Green and the Pond as they had done. He had discussed the position of the Green and the Pond with Mr H S Groom who had been clerk of the Council for the 40 years before 1972 (Mr Golding became clerk then); Mr Groom confirmed what he, Mr Golding, had said to me in his evidence.

On the evidence outlined above, I conclude that the Council are now in possession of the Green and the Pond and that it is practically certain that such possession will never be disturbed. Possession in such circumstances is equivalent to ownership. For these reasons I am satisfied that the Council is the owner of the lands, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Chalfont St Giles Parish 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 15th day of March 1973

a. a. Baden Fuller.

Commons Commissioner