



In the Matter of a recreation ground
adjoining Whiteleaf Golf Club,
Monks Risborough, Princes Risborough,
Wycombe District, Buckinghamshire

DECISION

This reference relates to the question of the ownership of land being a recreation ground containing about 4.77 acres and adjoining Whiteleaf Golf Club, Monks Risborough, Princes Risborough, Wycombe District and being the land comprised in the Land Section of Register Unit No. VG93 in the Register of Town or Village Greens 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 this reference ownership was claimed by Monks Risborough Parochial Charities (a letter dated 30 August 1977 from their clerk). No other person claimed to be the freehold owner of the land in question 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 Aylesbury on 23 January 1979. At the hearing Mrs D Brock attended in person as being one of the trustees of Monks Risborough Pools Allotment Charity and as representing her co-trustees under the below mentioned Scheme.

To an affidavit sworn on 18 January 1979 by Mr M J McManus who is employed at the office of the Charity Commission in London, is exhibited (1) a Scheme dated 22 July 1938 and made by the Charity Commissioners for the Charity known as the Recreation Ground comprised in an Award made under the Monks Risborough Inclosure Act 1831 (11 Geo.4 and 1 W.4 c17), a Charity known as the Pools Allotment and another Charity; and (2) a copy of a letter dated 22 September 1977 to the Charity Commission from Mr A F Austin the clerk to the Charities. The Scheme includes among the endowments of the Charities land containing about 4a 1r 31b situate on Rumborough, Princes Risborough near the Upper Icknield Way Road, and by the Scheme, this land is vested in the Official Trustee of Charity Lands.

Mrs Brock confirmed the identification made in the said 1977 letter of the land in this Register Unit with that specified as above in the Scheme, and said (in effect):- She had known the land all her life. Cricket has been played there regularly, and she understood from her father (now over 75) that cricket was played there when he was a little boy. The ground is on a slope, and from it there is a lovely view; the pitch area is level as a result so she understood, of somebody during the last century giving £20 for this (at that time a large sum!). On the ground there is now a pavilion and a building used for changing.

On this evidence I am satisfied that the Official Custodian for Charities (as successor of the said Official Trustee) is the owner of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register the Official Custodian for Charities 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 12th — day of February 1979

a a. Bate Fuller

Commons Commissioner