



COMMONS REGISTRATION ACT 1965

Reference No 203/U/32

In the Matter of land adjoining  
Hitcham Road, Burnham, Beaconsfield  
District, Buckinghamshire

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DECISION

This reference relates to the question of the ownership of land containing about 0.62 of an acre adjoining Hitcham Road (by its junction with Hag Hill Lane), Burnham, Beaconsfield District being the land comprised in the Land Section of Register Unit No CL. 243 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 this reference Buckinghamshire County Council (letter dated 7 September 1977) claimed ownership as a trustee of a charity, and Stevenage District Land Registry (letter dated 29 September 1977) said that part was registered under the Land Registration Acts under Title No BM 51989. 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 8 March 1978. At the hearing Buckinghamshire County Council were represented by Mr C D Durrant senior administrative officer in the County Secretary and Solicitor's Department.

According to the Land Registry letter, the part of the land ("the Unit Land") comprised in this Register Unit, which is registered under the said Title No is a very small part of the whole, being a small strip lying just within the east side.

Mr Durrant in the course of his evidence produced a copy (the original being in the County Archives) of a scheme dated 12 July 1962 and made by the Charity Commissioners in the matter of the Charity for the repair of roads in the Ancient Parish of Hitcham comprised in an Inclosure Award dated 7 August 1779 made in pursuance of an Act (Hitcham Inclosure Act 1778). By this Scheme the land specified in the Schedule thereto, which Mr Durrant identified with the Unit Land, was vested in the County Council as trustee of the Charity. Mr Durrant said (on the day after the hearing when this case was mentioned) that the Unit Land was formerly an old gravel pit, it had become meadow and is now let by the County Council on a casual basis.

Having regard to sections 8(1) and 12 of the 1965 Act, I ought not I think to express an opinion as to the ownership of the land comprised in Title No BM 51989. As to the remainder of the Unit Land, on the evidence summarised, I am satisfied that the County Council is the owner of this remainder, and I shall accordingly under section 8(2) of the Act of 1965 direct the Buckinghamshire County Council as registration authority to register themselves, Buckinghamshire County Council, as the owners of the land except the part thereof registered under the Land Registration Act under Title No BM 51989.



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* 1978

*a. a. R. J. J. J.*

Commons Commissioner