



In the Matter of Land at Potters Cross, Penn,
Bucks

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 201 in the Register of Common Land maintained by the Bucks 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 Earl Howe and Penn Parish Council, ^{each} claimed to be the freehold owner of the land in question ("the Register Unit") 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 Aylesbury on 21 February 1979.

At the hearing Mr P H Maitland, Solicitor of the firm of Trower Still and Keeling, appeared on behalf of Earl Howe, and the Parish Council was represented by its Clerk, Mr D B Chappell.

In my decision in Re Penn Steel Common (Reference No. 203/U/66) I refer to the documentary title of Earl Howe, to the problem of identification of the Register Unit, and to Mr Maitland's general submission. In this case I cannot identify the Register Unit as part of the land comprised in the documentary title, nor do I accept the application of the general submission as there is insufficient evidence that the Register Unit was part of a manor vested in Earl Howe by the 1957 Deed.

The Register Unit incorporates a pond which, it appears, has to some extent been maintained by the Parish Council, but there is no adequate evidence to support its claim to ownership.

On the evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

5 July

1979

L. J. Morris Smith

Commons Commissioner