



In the Matter of Lower Green, Cuddington,
Buckinghamshire

DECISION

This reference relates to the question of the ownership of land known as Lower Green, Cuddington, being the land comprised in the Land Section of Register Unit No. CL 210 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 the Cuddington Parish Council claimed to be the freehold owner of the land in question 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 27 June 1978.

At the hearing the Parish Council was represented by Mr E J Hayward, its Chairman.

The Parish Council has no documents of title, but on 7 June 1922 it resolved to improve "tolls at the rate of 3d. a wheel in respect of all vehicles occupying this land for Feast or Fair purposes." A member of the Council undertook to collect these tolls, provided he was armed by the Council with the necessary official authority in writing. This indicates that the Council was then in possession of the land. During the 22 years during which Mr Hayward has lived in Cuddington the Council has mown the grass and maintained seats on the land. In my view, the Council has remained in possession of the land for a sufficient period to have acquired a possessory title.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register the 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 5th day of

July

1978

CHIEF COMMONS COMMISSIONER