



COMMONS REGISTRATION ACT 1965

Reference No 37/U/46

In the Matter of the Village Green
Frant, Uckfield R.D., East Sussex

DECISION

This reference relates to the question of the ownership of the part ("the specified part") hereinafter defined of land known as the Village Green, Frant, Uckfield Rural District being the land ("the Green") comprised in the Land Section of Register Unit No VG.5 in the Register of Town or Village Greens maintained by the East Sussex County Council. The specified part means the part of the Green which is not edged red on the Register map and 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 no person claimed to be the freehold owner of the land in question and no 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 Lewes on 6 March 1973. The hearing was attended by Frant Parish Council who were represented by Mr D Addey, their chairman, and by the Most Hon J C H 5th Marquis Camden, the Most Hon G T M 4th Marquess of Abergavenny, Colonel H S Eeles, Mr R G Harman and Mr F Bassett who were all represented by the said Colonel Eeles.

Colonel Eeles in his evidence said:- Part of the Green was in the Manor of Frant in the ownership of Lord Camden and the other part was in the Manor of Rotherfield in the ownership of Lord Abergavenny. To preserve the Green for the benefit of the parishioners of Frant, a conveyance dated 31 January 1951 was made setting up five trustees; the original trustees were Lord Camden, Lord Abergavenny, Mr J Benskin, Mr G W Williams and himself (Colonel Eeles). The then Lord Abergavenny, and Mr Benskin having died and Mr Williams having retired, they were replaced as trustees by the present Lord Abergavenny, Mr Harman and Mr Bassett. He Colonel Eeles had lived since 1945 at Mark Cross (the next parish) and before then from 1924 at Frant so he knew the Green well. Mr Harman and Mr Bassett were resident in Frant. The Trustees had always worked very closely with the Parish Council.

Colonel Eeles in the course of his evidence produced a copy of the 1951 Conveyance by which Lord Camden with the consent and concurrence of persons interested conveyed the land coloured pink, blue and green on the plan annexed to the original trustees, by which the then Lord Abergavenny and the Earl of Lewes conveyed the land coloured yellow and brown on the plan annexed to the original trustees, and by which the original trustees were required to hold the land so conveyed "upon trust to permit the same to be appropriated and used for the maintenance and improvement of the physical well being of persons resident in the Parish of Frant aforesaid and all visitors thereto by the provision of facilities for Physical Training and Recreation" subject nevertheless to the provisions and with the powers in the said conveyance set out.

The land coloured pink, green, yellow and brown on the plan annexed to the conveyance is that comprised in this Register Unit and on the Register map edged green; the land coloured blue on the plan annexed to the conveyance is not included in the land so registered. The information now before me shows no reason why the land edged red on the Register map (it appears to be the same as that coloured pink and green on the conveyance plan) should not be in the same ownership as the specified part (herein before defined)



of the Green; there may have been some mistake in the application leading to the ownership registration of the land edged red.

On my informing Colonel Eeles that I could not be satisfied as to the ownership of the present trustees on his evidence unless supplemented by production of the original 1951 conveyance and the original deed appointing the new trustees, he made arrangements for these deeds to be sent to the Clerk of the Commons Commissioners. The original 1951 conveyance corresponds with the copy produced to me at the hearing. By a deed of appointment of new trustees dated the 17 March 1971 and made between (1) Lord Camden and Colonel Eeles (the continuing trustees) (2) Mr Williams (the retiring trustee) (3) Lord Abergavenny, Mr Harman and Mr Bassett (the new trustees), after reciting the deaths of the 4th Marquis of Abergavenny and of Mr Benskin; and the desire of Mr Williams to be discharged, it was witnessed that the continuing trustees and retiring trustees appointed the new trustees to be trustees of the 1951 conveyance.

Mr Addey said that the Parish Council did not claim ownership.

On the evidence outlined above I am satisfied that the trustees of the 1951 conveyance are the owners of the specified part and I shall accordingly direct the East Sussex County Council as registration authority to register the Most Hon John Charles Henry (5th) Marquis Camden, the Most Hon John Henry Guy (5th) Marquess Abergavenny, Colonel Henry Swanson Eeles of Sandyden House, Mark Cross Sussex, Mr Robert George Harman of 10 Warren Ridge, Frant Sussex, and Mr Frank Bassett of Rosemount, Wadhurst Road, Frant, Sussex as the owners of that part of the land comprised in this Register Unit which is not edged red on the Register Map.

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 23rd day of March 1973

a. a. Baden Fuller

Commons Commissioner