



COMMONS REGISTRATION ACT 1965

Reference Nos 26/U/14
26/U/15

In the Matter of (1) The Green and
(2) part of the Green, Evenley, South
Northamptonshire District,
Northamptonshire

DECISION

These references relate to the question of the ownership of lands known as (1) The Green and (2) part of the Green, Evenley, South Northamptonshire District being the lands comprised in the Land Section of Register Unit (1) No VG. 34 and (2) No VG. 35 in the Register of Town or Village Greens maintained by the Northamptonshire 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 no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Northampton on 7 July 1977. At the hearing Evenley Parish Council were represented by Mr E T Westlake their chairman.

Mr Westlake, who has lived in the Parish for 17 years and been a member of the Parish Council for 9 years, in the course of his evidence produced: (1) a conveyance dated 12 June 1961 by which Mrs Margaret Dora Blakeston conveyed to the Parish Council of Evenley "ALL THAT land comprising The Village Green containing 2.925 acres" as delineated on a plan (such plan is essentially the same as the Register map of the land comprised in these two Register Units); (2) Certificates of Search in answer to enquiries made in 1961 as to local land charges etc; and (3) letters dated 22 and 24 June 1977 from E T Ray & Co Solicitors of Buckingham acting for Mr and Mrs E P Cox as to a right of way over the Green for No 33 The Green, and a copy of the Parish Council's reply dated 28 June 1977.

Mr Westlake said (in effect):- The Parish Council manage The Green through a Committee; its main use is for cricket during the summer months; they have visiting teams. There are some seats (for elderly people) on The Green. Up to the winter before last, the Evenley Sports and Social Club played football there, but The Green not being large enough for League football for which the team are entering, currently they are playing elsewhere; however the youngsters continue to play about on the Green.

Mr D G Nightingale who is the Rights of Way Officer of the Northamptonshire County Council and who was representing his Council as registration authority, said that there used to be a highway diagonally across The Green (VG. 34) where marked on the Register map, but this was closed, so that all now is a grass area.



On the day after the hearing I walked over the lands. The part of The Green (VG. 35), although mostly at a lower level than the main area (VG. 34), is apparently part of the same piece of land, so that both can appropriately be called "The Green". The general appearance of The Green is beautiful (a large area of almost level grass with a cricket pitch and with various trees, some big); it must be valuable amenity for those who live in surrounding dwelling houses or elsewhere in the Village.

Although no formal abstract of the title of Mrs Blakiston was produced, the 1961 conveyance contains an acknowledgement for the production of a conveyance dated 29 September 1938 by Messrs G E and W R J Lambert to Rev G A Ward-Jackson and an assent dated 1 January 1958 by his personal representatives in favour of Mrs Blakiston. On the documents produced by Mr Westlake, his oral evidence and the appearance of these lands, I am satisfied that the Parish Council are the owners and I shall accordingly direct the Northamptonshire County Council as registration authority, to register Evenley Parish Council as the owners 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 *1st* day of *August*

1977

A. A. B. Fuller

Commons Commissioner