



COMMONS REGISTRATION ACT 1965

Reference No.29/U/13

In the Matter of Land (pt.O.S.16),  
Crowmarsh, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land pt.O.S.16 at Crowmarsh, being the land comprised in the Land Section of Register Unit No.C.L.34 in the Register of Common Land maintained by the Oxfordshire 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 Crowmarsh 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 Oxford on 21st November 1973.

Mr. W.R.A. Penny, the Clerk of the Crowmarsh Parish Council, appeared at the hearing. Mr. Penny produced an authority of the Board of Charity Commissioners dated 3rd July 1896 whereby the Administrators of the charity known as "The Village Green in the Parish of North Stoke in the County of Oxford" were authorised to exchange the land then known as the Village Green for another piece of land described in the Second Schedule. Mr. Penny also produced an indenture made 24th August 1896 between (1) The Chairman and Overseers of the Parish of North Stoke (2) Sir Alexander Condie Stephen, K.C.M.G., whereby the exchange was effected. The plan drawn on that indenture shows that the land described in the Second Schedule to the authority was the land the subject of this reference.

When the Overseers were abolished in 1927, it fell to the North Stoke Parish Council to appoint trustees in place of the Overseers under art.9 of the Overseers Order 1927 (S.R. & O. 1927, No.55). Whether this was done does not appear. North Stoke was transferred to Crowmarsh by the County of Oxford (Alteration of Rural Parishes) Confirmation Order 1952. Clause 23 of this Order provided that any power of appointing trustees of a charity subject to the jurisdiction of the Charity Commissioners which was exercisable by a parish council and which ceased to be exercisable in consequence of any alteration of areas effected by the Order should be exercised by such authority as the Charity Commissioners may direct.

It does not appear that any such direction has been given by the Charity Commissioners. The Crowmarsh Parish Council has in recent years acted as if it were the sole trustee. This, however, cannot make the Parish Council ~~the~~ trustee. In the circumstances I can do no more than say that I am satisfied that the Trustees of the Charity known as "The Village Green, in the Parish of North Stoke, in the County of Oxford" are the owners of



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the land, and I shall accordingly direct the Oxfordshire County Council, as registration authority, to register the Trustees (without naming them) 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 **25th** day of April 1974

A handwritten signature in black ink, appearing to read 'C. S. Lamb', written in a cursive style.

Chief Commons Commissioner