



COMMONS REGISTRATION ACT 1965

Reference No. 29/U/61

In the Matter of North and South Greens,
Kirtlington, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land known as North and South Greens, Kirtlington, being the land comprised in the Land Section of Register Unit No.V.G.36 in the Register of Town or Village Greens 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 Mr. C.G.R. Buxton claimed to be the freehold owner of the land in question and the Kirtlington Parish Council 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 22nd November 1973.

At the hearing Mr. J. Calvert, solicitor, appeared for Period and Country Houses Ltd, a company in which Mr. Buxton has the major interest. Mr. Buxton lives at Kirtlington Park House.

Period and Country Houses Ltd acquired Kirtlington Park House by a conveyance dated 14th April 1972 made between (1) Richard Stanley Pollock (2) Period and Country Houses Ltd. There was no reference to the land the subject of this reference in this conveyance, but the conveyance to Mr. Pollock dated 2nd March 1971 was expressed to be subject to any subsisting liability to maintain the Village Greens at Kirtlington. However, further light was thrown on the matter by the evidence of Mr. L.N. Pearson, a member of the Kirtlington Parish Council. Mr. Pearson was agent to the owners of the Kirtlington Park Estate from 1959 to 1971 and before that he had since 1935 been asked as a local farmer to help the owners of the Estate in farming matters. Mr. Pearson caused the Greens to be mown once a year. The elm trees on the land were pollarded twice under his direction, and he remembered this being done by the Estate woodman before he was agent. A fair, called the Lamb and Ale Fair or the Kirtlington Feast, is held on the Greens each year on the first Monday after Whit Sunday. Fees were collected from the stall-holders by the Estate Secretary under Mr. Pearson's direction each year from 1959 to 1971. Mr. Pearson produced an account book showing the fees collected between 1964 and 1973. Before he was the agent Mr. Pearson saw the Estate foreman going round collecting the fees from the stall-holders.

On this evidence I have come to the conclusion that the land the subject of this reference has for many years been in the same ownership as Kirtlington Park House and that, although not specifically mentioned in the parcels of the conveyances, it has passed from owner to owner by virtue of the general words.

For these reasons I am satisfied that Period and Country Houses Ltd is the owner of the land, and I shall accordingly direct the Oxfordshire County



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Council, as registration authority, to register that company 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 21st day of December 1973

A handwritten signature in cursive script, appearing to read "G. J. Quirk".

Chief Commons Commissioner