



COMMONS REGISTRATION ACT 1965

Reference No 233/S/97

In the Matter of Old Fallow Recreation  
Ground, Old Fallow Road, Cannock Chase  
District, Staffordshire

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DECISION

This reference relates to the question of the ownership of land known as Old Fallow Recreation Ground, Old Fallow Road, Cannock Chase District being the land comprised in the Land Section of Register Unit No VG. 4 in the Register of Town or Village Greens maintained by the Staffordshire 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 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 Lichfield on 14 December 1977. At the hearing Cannock Chase District Council were represented by Mrs H L M Jones, solicitor of their Secretary's Department.

Mrs Jones in the course of her evidence produced: (1) a deed of exchange dated 17 July 1956 made between the Cannock Urban District Council and themselves ("as Trustees"), (2) an extract from the Cannock Inclosure Award dated 5 February 1868, (3) and (4) two letters dated 18 December 1953 and 15 April 1954 from the Ministry of Housing and Local Government, (5) an extract from the minutes of a meeting of the Cannock Urban District Council held on 28 July 1903 at which reference was made to a *devise* by Mr B Gilpin to the Council of the Recreation Ground, and (6) an abstract examined on 19 June 1956 of the title of the Council to land in Old Fallow Road including a conveyance dated 27 September 1933 by which Mr G W Stringer conveyed to the Council land containing about 2 acres 3 roods and 9 perches.

Mrs Jones said that the land ("the Unit Land") comprised in this Register Unit was now used by the Council for recreational purposes and claimed that their ownership of it (a little more than 5 acres) was established by the documents she produced: -(a) some land ("the Four Acre Piece") was by the 1868 Award allotted to "Bernard Gilpin...subject to the obligation of permitting the same to be used at all times for exercise and recreation by the inhabitants of the said parish (Cannock) and neighbourhood", and his interest passed to the Council under the *devise* mentioned at the 1903 meeting; (b) The west part of the Unit Land was conveyed to the Council by the 1933 conveyance; (c) The east part of the Unit Land was allotted to the Surveyor of the Highways under the same Award (as appears from the 1953 letter) and came into the ownership of the Council as their successors under the Public Health Act 1875, as in such letter stated;



(d) by the 1956 deed of exchange the Unit Land became a substitution for the Four Acre Piece subject to the trust "for the charitable purposes of the foundation known as the Allotment for Exercise and Recreation in the Urban District of Cannock aforesaid" (meaning the above quoted obligation imposed by the 1868 Award).

I accept the contention of Mrs Jones as summarised above, and am therefore satisfied that the Council are the owners of the Unit Land and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Cannock Chase District 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 21<sup>st</sup> day of December —

1977

A. A. Baden Fuller

Commons Commissioner