



In the Matter of Old Chapel Green, Wenhaston,
Suffolk

DECISION

This reference relates to the question of the ownership of land known as Old Chapel Green, Wenhaston, being the land comprised in the Land Section of Register Unit No. VG 44 in the Register of Town or Village Greens maintained by the former Suffolk 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 one 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 Ipswich on 20 January 1982.

At the hearing the Wenhaston Parish Council was represented by Mrs L M Spindler, one of its members, and by Mr J Margaron, Solicitor, on behalf of the Lord of the Manor of Thorington Wimples cum Wenhaston.

This reference was made by the former East Suffolk County Council on 20 December 1972. It was, however, premature, since the registration in the Land Section of the Register Unit was the subject of disputes occasioned by conflicting registrations in Register Unit No. CL 162. This not having been noticed, Mr Commissioner Baden Fuller held a hearing into the question of the ownership of the land in question on 14 May 1974 and, not being satisfied that any person was the owner of the land, he directed the Suffolk County Council to register the Parish Council as the owner of the land under section 8(3) of the Act of 1965. This direction was, of course, a nullity, since, although the learned Commissioner was unaware of it, he had at that time no jurisdiction in the matter.

Since by my decision in In the Matter of Old Chapel Green, Wenhaston (No. 1), (1982), Ref. Nos. 234/D/107-108, I have confirmed the registration at Entry No. 1 in the Land Section of the Register Unit, I can now say that, like Mr Commissioner Baden Fuller, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register the Wenhaston Parish Council as the owner of the land under section 8(3) 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

27th

day of

January

1982

Chief Commons Commissioner