



In the Matter of Recreation Allotment,
South Elmham, St Cross

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. VG 63 in the Register of Town or Village Greens maintained by the former East 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 the Parish Meeting of South Elmham St Cross 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 purposes of inquiring into the question of the ownership of the land at Ipswich on 27 February 1980.

At the hearing Major J A Lewis, Chairman of the Parish Meeting, appeared on its behalf. I understand that there is no Parish Council, though the Parish is grouped under a Common Parish Council.

By an Inclosure Award made in 1854 the land in question was allotted to the Churchwardens and Overseers of St Cross, South Elmham as a place for exercise and recreation for the inhabitants of the Parish.

There being no Parish Council, the land vested under the provisions of Section 19(7) Local Government Act 1894 in the body corporate of the Chairman and Overseers of the Parish - now the Parish Trustees (see Section 13(3) Local Government Act 1972). Since 1894 it has been let to some members of the Parish, the rent being paid to the Parish Meeting.

On this evidence I am ~~am~~ satisfied that the Parish Trustees are the owners of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register the South Elmham St Cross Parish Trustees 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

13 March

1980

L. J. Morris Smith

Commons Commissioner