



COMMONS REGISTRATION ACT 1965

Reference No. 34/U/6

In the Matter of the Recreation Ground,
Orford, Suffolk Coastal D., Suffolk

DECISION

This reference relates to the question of the ownership of land known as the Recreation Ground, Orford, Suffolk Coastal District being the land comprised in the Land Section of Register Unit No. VG.39 in the Register of Town or Village Greens maintained by the 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 Orford and Gedgrave Parish Council wrote saying that they had information as to the ownership of the land in question. No other person claimed to be the freehold owner of the land or 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 14 May 1974. At the hearing, Orford and Gedgrave Parish Council were represented by Mr. P. Ellis and Mr. M. Monnington, two of their members.

Mr. Ellis who is aged 74 years, has lived in the Parish for 45 years and known it for longer, gave evidence. He produced a certified copy of a section from the enclosure map of Orford and Gedgrave (1880) and of a section from the enclosure award of Orford and Gedgrave (1880) now held in the Ipswich and East Suffolk Record Office. The award included an allotment as follows:- "And I declare that I have set out and do hereby set out and allot and award unto the Churchwardens and Overseers of the Poor of the said Parish of Orford all that piece or parcel of land numbered 1 on the said Map containing five acres three roods and twenty nine perches to be held by them and their successors in trust as a place for exercise and recreation for the inhabitants of the said parish and neighbourhood and I direct that the fences on all sides of such allotment shall from time to time be repaired and maintained by and at the expense of the Churchwardens and Overseers of the Poor of the said Parish for the time being". Mr. Ellis said (in effect):- Ever since he could remember, the Recreation Ground had been used for recreation; the children from the nearby Church School play on it; adults play football there (one of the two buildings marked on the Register map is used as a changing room; the other is derelict); it is used for horticultural shows and other sorts of things like that. The award map shows the land allotted for recreation as being the same as that comprised in this Register Unit, except that a small part of the allotted land (the north end) is now part of the School grounds; this part was taken from the Recreation Ground before Mr. Ellis' time.



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Since the hearing, I have looked at the Inclosure (Orford) Provisional Order Confirmation Act 1878 (41 & 42 Vict. cap. cxiii) by which the Provisional Order set forth in the Schedule was confirmed. This Order, after reciting the Inclosure Acts 1845-1876, includes a paragraph (5) providing that the lands therein specified "being part of the said common and containing five acres, three roods and twenty-nine perches or thereabouts be allotted as recreation grounds for the benefit of the inhabitants of the parish and neighbourhood." Evidently the allotment above quoted was made pursuant to this paragraph of the Order.

By section 6(1) (c) and section 67 of the Local Government Act 1894, the property of the churchwardens and overseers held for recreation grounds passed to the Parish Council.

On the evidence outlined above and for the above reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Orford and Gedgrave Parish 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 21st day of May 1974.

A. A. Baden Fuller

Commons Commissioner