



COMMONS REGISTRATION ACT 1965

Reference No.35/U/10

In the Matter of The Village Green,
Hartest, West Suffolk.

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Hartest, being the land comprised in the Land Section of Register Unit No.V.G.13 in the Register of Town or Village Greens maintained by the West 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 Hartest Parish Council 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 purpose of inquiring into the question of the ownership of the land at Bury St. Edmunds on 30th January 1973.

At the hearing Mr. H.B. Rendle, the Clerk of the Hartest Parish Council, appeared on behalf of his Council. Mr. Rendle produced a letter dated 21st April 1955, whereby Major J.R. Weller-Poley, the then lord of the manor, purported to renounce any claim which he might have to the ownership of the land the subject of this reference in favour of the Parish Council. Such a document, not being under seal, was, of course, inoperative to transfer any legal estate to the Parish Council. However, in 1965 the Parish Council granted a right of way across the land and for that purpose obtained a statutory declaration, dated 6th October 1965, from Mr. F.J.W. Cooper, who was then and had been since 1956 the Clerk of the Parish Council. Mr. Cooper said that the Parish Council had been in undisputed possession of the land for upwards of 30 years without any adverse claim having been made. On this evidence I am satisfied that the Parish Council has a good possessory title to the land.

For these reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the West Suffolk County Council, as registration authority, to register the Hartest Parish Council as the owner of the land under section 3(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 February 1973


Chief Commons Commissioner