



COMMONS REGISTRATION ACT 1965

Reference No.1/U/3

In the Matter of the Recreation Ground
near the School, Castle Hill Road,
Totternhoe, Luton R.D., Bedfordshire

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground near the School, Castle Hill Road, Totternhoe, Luton Rural District being the land comprised in the Land Section of Register Unit No. V.G.38 in the Register of Town or Village Greens maintained by the Bedfordshire 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 Totternhoe Parish Council ("the 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 Bedford on 19 October 1972.

At the hearing the Bedfordshire County Council were represented by Mr. Kieran one of their staff and the Totternhoe Parish Council were represented by Mr. P. A. Yeoman who is their clerk. Mr. S. T. Morris attended as an observer on behalf of the Bedfordshire Association of Parish Councils.

Mr. C. M. Overton who is vice-chairman of the Parish Council, has lived in the Village for more than 25 years and is their representative on the Luton Rural District Council, gave evidence. He produced an Award dated 14 January 1891 and confirmed on 19 February 1891. This Award was made under a provisional order scheduled to and confirmed by the Regulation and Inclosure (Totternhoe) Provisional Orders Confirmation Act 1886, 49 Vict.ch.xvi. By this Award, an allotment was made in these words:- "All those two pieces or parcels of land numbered 135 and 95A on the said map (that annexed to the Award) recreation allotments containing respectively 6 acres and 1 acre to be held by the said churchwardens and overseers (of the parish of Totternhoe) and their successors in trust as places for exercise and recreation for the inhabitants of the said parish and neighbourhood". The Award and annexed map are held by the Parish Council. Mr. Overton was able to identify the piece of land numbered 95A on the Award map with the land comprised in this Register Unit. He told me that the land has during the 25 years he has known it and from what he has been told by previous chairmen of the Parish Council, for many years previously, been used as a recreation ground; such use has been mostly by children (including the Boy Scouts) although it has been used for Village fetes. The Parish Council have paid for the maintenance and upkeep of the ground (including the cutting of the hedges) and also paid the tithe rent charge on it.

By sections 6 and 67 of the Local Government Act 1894, or alternatively by paragraphs 4 and 6 of the Overseers Order 1927 this land was transferred to the Parish Council for all the estate formerly held by the churchwardens and overseers.



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On the above evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Bedfordshire County Council as registration authority, to register Totternhoe Parish Council as the owner of the land under section 8 (2) of the Act.

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 3rd day of November 1972.

a. a. Baden Fuller

Commons Commissioner