



COMMONS REGISTRATION ACT 1965

Reference No 2/U/42

In the Matter of Cold Ash Recreation Ground,  
Cold Ash, Newbury R.D., Berkshire

DECISION

This reference relates to the question of the ownership of land known as Cold Ash Recreation Ground, Cold Ash, Newbury Rural District being the land comprised in the Land Section of Register Unit No VG.51 in the Register of Town or Village Greens maintained by the Berkshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

In a letter dated 6 January 1972 written to Berkshire County Council, Cold Ash Parish Council stated that they (the Parish Council) were the owners of the land now in question. Following upon the public notice of this reference 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 Reading on 21 March 1973. The hearing was attended by the Cold Ash Parish Council who were represented by Mrs J D Mundy, their clerk.

Evidence was given by Mr E J Ettridge who is and has for the last 7 or 8 years been chairman of the Parish Council, has been a member since 1948 and has lived in Cold Ash since 1939.

Mr Ettridge produced a letter dated 30 November 1972 with which was enclosed copies of schemes dated 9 July 1915 and 21 February 1922 and made by the Charity Commissioners. Both schemes related to two charities comprised in an Award dated 6 November 1852 and made under the General Inclosure Acts. By the 1915 Scheme they were newly entitled "the Poor's Allotment and Recreation Ground Charities" in Cold Ash and Thatcham. The 1922 Scheme provided that the charities should be administered and managed by the Cold Ash Parish Council and that the lands comprised in the 1915 scheme should be vested in the said Council. In the schedule to the 1915 scheme the land belonging to the charity numbered 2 was described as: "Land at Cold Ash used as a Recreation Ground and numbered 11 on the map annexed to the above mentioned Award; 5A.OR.OP; In hand".

Mr Ettridge said the land comprised in this Register Unit is now known as the Recreation Ground, although some of the older inhabitants call it "the Common". It is used for football and cricket; there is a pavilion and a childrens playground. He produced a recently made extract from the 1852 Award and from the Award map, from which it appeared that 5 acres had been allotted as a place of exercise and recreation: the Award map corresponded with the Register map. The Parish Council managed the land under the schemes.

In my view the 1915 scheme provides a good root of title and I need not therefore insist on the original Award (I was told it was at the Bank) being produced to me. On the evidence outlined above, I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority, to register Cold Ash 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 28<sup>th</sup> day of March 1973

a. a. Baden Fuller

Commons Commissioner