



COMMONS REGISTRATION ACT 1965

Reference No. 204/U/142

In the Matter of Play Area, North-East of Church,
Orton Waterville, Cambridgeshire

DECISION

This reference relates to the question of the ownership of land known as Play Area, North East of Church, Orton Waterville being the land comprised in the Land Section of Register Unit No. CL.79 in the Register of Common Land maintained by the Cambridgeshire 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 Orton Waterville 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 Peterborough on 20 April 1983. At the hearing, the Orton Waterville Parish Council was represented by Mr D J Williams, its Clerk.

By the Inclosure Award made in 1810 under the Cherry Orton otherwise Overton Waterville and Alwalton Inclosure Act of 1805 (46 Geo. III, c. 105 (Private, not Printed) the land in question was, with other land the subject of Ref. No. 204/U/144, allotted and awarded to the Surveyors of the Highways of the Parish of Cherry Orton to be used by them and by the proprietors and occupiers of lands, tenements, and hereditaments in the Parish for getting stone, gravel and mortar for the making, erection, or repairing any buildings or walls there and for the repair of the public and private roads in the parish and the herbage of the allotment was allotted and awarded to the Surveyors of the Highways.

There is some obscurity about the subsequent history of the land so allotted and awarded. It should have been transferred to the newly formed Rural District Council by sections 25 (1) and 67 of the Local Government Act 1894. However, the land has for many years ceased to be used as a quarry, and it appears from the minute book of the Parish Council that in 1933 that Council was employing someone to clear rubbish from the land. It may be that the land began to be used as allotments at that time, but it is clear that such use began before 18 October 1978, when a resolution was passed fixing new rents for the allotments, which with the names of the holders were set out in a Schedule. The Parish Council is still receiving rents from the allotment holders. Despite the uncertainty as to how it came about, it is clear that the Parish Council has been in undisputed receipt of the rents and profits for a sufficient time to have acquired a possessory title to the land.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I, shall accordingly direct the Cambridgeshire County Council, as registration authority, to register the 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

25th

day of

April

1983

[Signature]
Chief Commons Commissioner