



In the Matter of Recreation Allotment
Ground, Sutton, Cambridgeshire

DECISION

This reference relates to the question of the ownership of land known as Recreation Allotment Ground, Sutton, being the land comprised in the Land Section of Register Unit No. VG 47 in the Register of Town or Village Greens 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 Sutton Parish Council claimed to be the freehold owner of the land in question and Mr J D Lodder 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 Sutton Parish Council was represented by Mr C Gardner, its Clerk.

By the Inclosure Award made in 1903 under the Inclosure (Sutton) Provisional Order Act 1901 (7 Edw. VII, c. 11) the land in question was set out, allotted and awarded to the Chairman and Overseers of the parish of Sutton in trust as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. The Chairman and Overseers of the parish were a body corporate by virtue of section 19(6) of the Local Government Act 1894, but by art. 7(1) of the Overseers Order 1927 (S.R.&O. 1927, No. 55) the Overseers were replaced by the Councillor or Councillors representing the parish on the former Rural District Council and were called the representative body of the parish. The property of the representative body was transferred to the parish trustees constituted under section 14(3) of the Local Government Act 1975 by art. 16 of and Sched. 4 to the Local Authorities (England) (Property etc.) Order 1973 (S.J.1973 No. 1861). Mr Gardner informed me that the Parish Council was established four or five years ago. This must have been done by an order made by the Peterborough City Council under Section 9(2) of the Act of 1972, but Mr Gardner was not able to produce a copy of the order. I shall, however, assume that this order included the provision with respect to the transfer of the property of the parish trustees authorised by section 12(1) of the Act of 1972. This is borne out by the fact that the herbage of the land has been let and the rents have been received by the Parish Meeting and by the Parish Council since 1927.

On this evidence I am satisfied that the Sutton 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.



-2-

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

26~~th~~

day of

April

1983

Chief Commons Commissioners