



In the Matter of The Leys (or The Green
Sward), Anstey, Charnwood District Leicestershire

DECISION

This reference relates to the question of the ownership of land known as The Leys (or The Green Sward), Anstey, Charnwood District being the land comprised in the Land Section of Register Unit No VG. 2 in the Register of Town or Village Greens maintained by the Leicestershire 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 no person claimed to be the freehold owner of the land in question but Anstey Parish Council 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 Leicester on 21 July 1976. At the hearing Anstey Parish Council were represented by Mr J H R Hood, solicitor of Ironsides, Solicitors of Leicester.

The land ("the Unit Land") comprised in this Register Unit is a triangular piece containing (according to the Register map) 1.83 acres, situate on the southeast side of Anstey and on the southwest side of the road from the Village (it now has between 4,000 and 5,000 inhabitants) to Leicester. The Unit Land is grassland, and Rothley Brook crosses it.

Mr H C Williams, who has been a member of the Parish Council since 1974 and chairman since 12 May 1976, in the course of his evidence produced: (i) an agreement dated 25 October 1939 by which the Parish Council granted the Leicestershire and Warwickshire Electric Power Company permission to fix maintain and use an underground electric line on the property (the Unit Land) "belonging to the Owner" (the Council), and (ii) a deed dated 22 May 1951 by which the Parish Council, after reciting that the legal estate in fee simple of the land was then vested in them, granted to HM Postmaster General a right of way across the Unit Land to his land (an automatic telephone exchange).

Mr Williams said (in effect):- The Parish Council Minute Books (which go back to 1894) show that the Green has been maintained by them, as an amenity for the Village. The Council mow the grass, this being part of the job of one of their workmen.

Under section 8 of the 1965 Act, I have to determine whether I am satisfied as to ownership; if I am satisfied that the Parish Council are the owners, I am required by subsection (2) to direct them to be registered as owners; if I am not satisfied that any person is the owner, I am required by subsection (3) to direct the Parish Council to be registered as owner; so in the particular circumstances of this case, it may be of little or no practical consequence how I determine this matter. Notwithstanding the absence of any deeds or other documents dealing with



the legal estate in the land, on the evidence outlined above, I conclude that the Parish Council are and have for some years been in possession of the Unit Land and are reputed to be the owners, in circumstances which makes it practically certain that their possession will not be disturbed; possession in such circumstances is equivalent to ownership, and I am therefore satisfied that they are the owners of the Unit Land, and I shall accordingly direct the Leicestershire County Council as registration authority to register Anstey Parish Council as the owners 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 23rd day of July — 1976

a. a. Baden Fuller

Commons Commissioner