

COMMONS REGISTRATION ACT 1965

Reference No 215/U/18

In the Matter of Colwall Green and Verge, Colwall, Malvern Hills D

## DECISION

This reference relates to the question of the ownership of land known as Colwall Green and Verge, Colwall, Malvern Hills D being the land comprised in the Land Section of Register Unit No VG. 13 in the Register of Town or Village Greens maintained by the former Herefordshire 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 Malvern Hills Conservators claimed to be the freehold owner of part 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 Worcester on 15 June 1976.

The hearing was attended by Mr Schooling on behalf of the Malvern Hills Conservators and by Mr P C Davis of Messrs Foster & Finley on behalf of the Colwall Parish Council.

On 25 June 1975 I held a hearing for the purpose of inquiring into disputes occasioned by the conflicting registrations at Entries 2 and 3 in the Ownership Section of the register made respectively by the Conservators and the Colwall Parish Council. The conflict was only as to part of the land, the Entry at No 3 being as to only part of the land, but at the date of the hearing both Entries were provisional and I came to the conclusion that neither the Conservators nor the Parish Council owned any of the land in question and by my decision dated 4 August 1975 I refused to confirm both Entries and consequent on my direction they became void on 2 October 1975.

It is in these circumstances that this Reference now comes before me.. Neither Mr Schooling nor Mr Davis had any evidence to put forward as to their respective claims to ownership additional to that put forward on 25 June 1975.

Mr Schooling however contends that insofar as the Parish Council's Entry at No 3 was only a deemed objection to the part of the land claimed by that Entry I had no power to refuse to confirm the Conservators' Entry as regards the remaining part of the land. In my view having regard to the present state of the Register I have no alternative but to direct the Registration Authority to register Colwall Parish Council as the owner of the whole of the land in question.



I am willing if so requested to state a case for the decision of the Court as to whether my decision of 25 June 1975 and consequent direction as to the land now claimed by the Conservators were ultra vires and therefore of no effect and whether this point of law is now open to the Conservators the time for appeal having expired.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Colwall Parish Council as the owner of the land under section 8(3) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners  $R_{\rm e}$ gulations 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 21 day of 144

1976

CA Selle

Commons Commissioner



COMMONS REGISTRATION ACT 1965

Reference No. 215/U/19

In the Matter of Martin Hussingtree Green, Wychavon D

## DECISION

This reference relates to the question of the ownership of land known as Martin Hussingtree Green, Wychavon D being the land comprised in the Land Section of Register Unit No. VG 33 in the Register of Town or Village Greens maintained by the former Worcestershire 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 and no one 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 Worcester on 9 May 1979.

Fir A G Brooks, Chairman of the Hindlip and Martin Hussingtree Parish Council appeared but he had no information as to the ownership of the land in question.

For this reason I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Hindlip and Martin Hussingtree Parish Council as the owner of the land under section 8(3) 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 voint 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 19#

day of

June

1979

Commons Commissioner

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