

COMMONS REGISTRATION ACT 1965

Reference Nos. 42/U/57 42/U/86

In the Matter of Rock Common, Rock, Wyre Forest District, Hereford & Worcester.

DECISION.

This reference relates to the question of the ownership of part of the land known as Rock Common (or Heightington Common), Rock, Wyre Forest District, being the land comprised in the Land Section of Register Unit No. CL.52 and No. CL.124 in the Register of Common Land maintained by the Hereford and Worcester County Council and of which part no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr. Alfred Stephen Hollis and Mrs. Elizabeth Hollis claimed to be the freehold owners of the 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 3 July 1975. At the hearing Rock Parish Council were represented by Mr. G. Mason, their chairman (Mrs. B. Ray and Mrs. E. Woodyatt, Councillors, were present), and Mr. A.S. Hollis attended in person.

The land ("the CL.52 Land") being the part of Rock Common comprised in Register Unit No. CL.52 is divided into two pieces by a public motor road (known as Green May) leading up to Rock Village on the north. (Ars. D.M. Moule) is the registered owner of the piece east of this road, and (r. D. Wilson /13 the registered owner of all the piece west of this road except a comparatively small triangular piece ("the CL.52 Referred Piece") which is the southeast part of the CL.52 Land west of the road, and with which I am on the reference (U/57) concerned.

The Land ("the CL.124 Land") being the part of Rock Common comprised in Register Unit No. CL.124 is U shaped, and at two places its boundary lies along the boundary of the CL.52 land (so there is an unregistered area surrounded by these lands). I am on the reference (U/86) concerned with the whole of the CL.124 Land, because no person has been registered as the owner of any of it.

Mr. Hollis in the course of his evidence produced: (1) an abstract dated 1953 of the title of Captain A.A. Astley-Jones to part of the Abberley Estate, (2) a supplemental abstract dated 1954 of the title of the same person to the same property, (3) a statutory declaration made 19 June 1954 by Mr. C. Walker who from 1906 to 1948 acted as Sub-Agent, and then Agent to Captain A.A. Astley-Jones, (4) a conveyance dated 26 October 1954 by Captain Astley-Jones to him (Mr. Hollis) of Rock Common containing about 8.908 acres, (5) a copy conveyance dated 31 December 1953 by him to Mrs. Moule of part of Rock Common, and (6) a copy conveyance dated 16 November 1960 by him to Mr. Wilson of another part of Rock Common.



Mr. Hollis in the course of his evidence described the CL.52 Land the CL.124 Land and identified the lands mentioned in the documents he produced. consideration of the abstracts and declaration, I am satisfied that he under the 54 conveyance became the owner of the CL.52 Land, the CL.124 Land, and some adjoining ces of comparatively small area.

The 1960 conveyance to Mr. Wilson does include, and the 1958 conveyance Mrs. Moule does not include, the CL.52 Referred Piece. Hollis said (in effect) this was a mistake. The Piece should, because it is west the motor road (Green Way) belong to Mrs. Moule. He was authorised by both Mrs. Moule I Mr. Wilson to ask me to put this mistake right, by registering Mrs. Moule as the owner. have I think no jurisdiction to rectify such a mistake; the 1960 conveyance shows Mr. Wilson be the owner, and I cannot on the information given to me at this hearing reach any er conclusion. However any direction by me that he be registered as owner, will not event him effectively conveying the CL.52 Referred Piece to Mrs. Moule, so my inability rectify the mistake may be of no practical consequence.

Neither the 1958 conveyance nor the 1960 conveyance includes any part the the CL.124 Land, and I conclude therefore that of this Mr. Hollis has continued be the owner under the 1954 conveyance.

For the reasons set out above I am satisfied that Mr. Wilson and Mrs. Hollis e respectively the owners of CL.52 Referred Piece and of the CL.124 Land, and I shall ordingly direct the Hereford and Worcester County Council under Section 8(2) of the of 1965 to register Mr. Derek Wilson of the Cottage, The Common, Rock, near Kidderminster the owner of the land which is comprised in Register Unit No. CL.52 and of which person is registered under section $\overline{\mu}$ of the Act as the owner, and to register Mr. Alfred phen Hollis of Green Acres, Bliss Gate, Rock, near Kidderminster as the owner of the d comprised in Register Unit No. CL.12h.

I am required by regulation 30(1) of the Commons Commissioners Regulations I to explain that a person aggrived by this decision as being erroneous in point of law , within 6 weeks from the date on which notice of the decision is sent to him, uire me to state a case for the decision of the High Court.

ed this 812 day of August 1975.

Commons Commissioner.

Corrected in the fourt paragraph by interchanging the hames " Mrs D. M. Morele and "Mr D. Wilson".

a a Bade Fuller
19 Septentes 1975