



COMMONS REGISTRATION ACT 1965

Reference No 231/U/43

In the Matter of Llanvair Hill,
Llanfair Waterdine, South
Shropshire District, Salop

DECISION

This reference relates to the question of the ownership of land known as Llanvair Hill, Llanfair Waterdine, South Shropshire District being the land comprised in the Land Section of Register Unit No VG. 26 in the Register of Town or Village Greens maintained by the Salop 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 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 Shrewsbury on 22 June 1978. At the hearing (1) Mr A F Beavan (2) Mrs K M Jones and (3) Mr T S F Jones were represented by Mr P J Medlicott solicitor of G & J Medlicott & Son, Solicitors of Knighton.

The land ("the Unit Land") in this Register Unit (according to the Register) contains about 10 acres, is approximately square, and is divided by Offas Dyke (here on a nearly north-south line) and a track (either adjoining or very near to the Dyke).

Mr Medlicott in the course of his evidence produced the documents specified in the Schedule hereto, from which I conclude that Mr Beavan is the owner of the land to the east of the track (according to his conveyance about 5.097 acres) and Mrs & Mr Jones are the owners of the land to the west of the track (according to their conveyance about 4.922 acres).

As to the track, Mr T S F Jones said that it is a green road not tarmacadamed, over which there is or may be a public right of way for vehicles. It is shown on the OS map 1/50,000, Sheet 157 as "Road used as a public path or highway open to all traffic". Whatever may be the exact status of the track, I consider that I should in accordance with the general law treat the conveyances as passing the ownership of the track up to its middle line.

For the above reasons, I am satisfied that Mr Beavan and Mrs & Mr Jones are the owners of the Unit Land, and I shall accordingly in pursuance of section 8(2) of the 1965 Act direct Salop County Council as registration authority (1) to register Mr Alfred Francis Beavan of The Craig, Llanfair-Waterdine as the owner of the part of the land which is east of the track marked on the Register map as running across the land on an approximately north-south line, which contains a little more than 5 acres and which is bounded on the west by the middle line of the said track; and (2) to register Mrs Kathleen Mary Jones and Mr Thomas Stephen Frederick Jones both of Llanfair Hall, Llanfair-Waterdine as the owners of the part of the said land which is west of the said track, which contains a little less than 5 acres and which is bounded on the east by the said middle line.



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.

SCHEDULE
(Documents produced)

No	Date	Description
1	16 February 1975	Conveyance by Llanfairwaterdine Parish Council to Mr A F Beavan of land being enclosure No 23 on the plan annexed to an Inclosure Award dated 1 July 1891 being OS No 398 containing 5,097 acres and delineated on the plan annexed
2	1 July 1891	An examined abstract of the said 1891 Award being of the allotment to the Churchwardens and Overseers of the Poor of the Parish of Llanfairwaterdine of 10 acres as a place for exercise and recreation
3	26 July 1972	Copy of a Scheme made by the Secretary of State for Education and Science in respect of the above mentioned allotment authorising the Parish Council to sell the land as therein mentioned
4	15 August 1976	Probate of the will of Mr E G Jones granted to Mr I P Burgess and Mr T S J Pugh
5	18 March 1974	Conveyance by Mr E G Jones and Mrs K M Jones to themselves and Mr T S F Jones of (among other land) the land comprised in the below mentioned conveyance of 23 March 1973 with certificate attached of the death of Mr E G Jones on 20 October 1975
6	28 March 1973	Conveyance by Llanfairwaterdine Parish Council to Mr E G Jones and Mrs K M Jones of Inclosure No 24 on the plan annexed to the said 1891 Award being OS No 379 containing 4.922 acres as delineated on the plan annexed

Dated this 27^k day of June

1978

a. a. Bodin Fuller

Commons Commissioner