



In the Matter of Smithy Green, Tiverton  
Cheshire

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DECISION

This reference relates to the question of the ownership of land known as Smithy Green, Tiverton being the land comprised in the Land Section of Register Unit No. VG 19 in the Register of Town or Village Greens maintained by the Cheshire 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 Tiverton Parish Council claimed to be the freehold owner 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 Chester on 25 July 1979.

At the hearing, Mr W A Thomas the Vice-Chairman of the Parish Council appeared on its behalf. Mr Thomas has been a member of the Parish Council for some sixteen years, during which period to his knowledge the Green has been maintained by the Council. He stated that the Minute Book of the Council showed maintenance and expenditure by the Council since 1936, which erected posts around it and has kept the grass cut. There are two seats on it and it is played on by the children.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cheshire 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.

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 2<sup>nd</sup> October 1979

*L. J. Harris Smith*

COMMONS COMMISSIONER