



COMMONS REGISTRATION ACT 1965

Reference No. 208/U/11

In the Matter of The Green,
Foolow, West Derbyshire D

DECISION

This reference relates to the question of the ownership of land known as The Green, Foolow, West Derbyshire D being the land comprised in the Land Section of Register Unit No. VG 21 in the Register of Town or Village Greens maintained by the Derbyshire 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 Foolow Parish Meeting 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 Matlock on 13 November 1979.

Mr T A W Hoyland, chairman of the Foolow Parish Meeting appeared and produced a signed statement by the Rev David Shaw, the Rector of Eyam stating:-

(1) That he had custody of the Tithe Map and Tithe commutation agreements for the Parish of Eyam (which also include the Parishes of Grindleford and Foolow) dated 20 August 1832 -

(2) That he had identified on the said map the land in question which is shown on the said map and stated in the said Tithe commutation agreements as being then in the ownership and occupation of the Township of Foolow.

Mr Hoyland could not speak of recent act of ownership by the Parish Meeting but said that the Parish had always assumed they owned the green and that parishioners had from time to time acted on the assumption that it was Parish property.

On this evidence I am satisfied that the Parish Trustees are the owners of the land, and I shall accordingly direct the Derbyshire County Council, as registration authority, to register the Foolow Parish Trustees 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 this

26th

day of November

1979

Y A Little

Commons Commissioner