



In the Matter of the piece of land known as Badway Green
in the Parish of Church Broughton in the County of Derby

DECISION

This reference relates to the question of the ownership of land known as Badway Green in the Parish of Church Broughton in the County of Derby being the land comprised in the Land Section of Register Unit No. CL 27 in the Register of Common Land 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 the Church Broughton 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 Derby on 11 June 1980.

Mr M J Prince, Chairman of the Church Broughton Parish Council appeared before me and stated that he had been unable to trace any title deeds, to Badway Green. Two witnesses, Mr J W Bowles and Mr F C Hambling, both of whom had lived in Church Broughton for 60 years or thereabouts, told me that the land had been levelled and seeded by the Parish Council 'a few years ago'. The County Council kept the grass cut and recently the Parish Council had planted trees and bulbs.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

14th Jul

day of

July

1980

George Hambling

Commons Commissioner