



COMMONS REGISTRATION ACT 1965
DECISION (UNCLAIMED LAND)

Reference No 13/U/162

In the Matter of Forty Acres
Willersey Cotswold D.

DECISION

This reference relates of the question of the ownership of land known as Forty acres Willersey Cotswold D being the land comprised in the Land Section of Register Unit No CL 283 in the Register of Common Land maintained by the Gloucestershire 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 Wardens of Willersey claimed to be the freehold owners 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 Cheltenham on 7 February 1978. Mr G E Cott and Mrs W B Bell the present Church Wardens of the Parish of Willersey produced a copy of an extract of the Willersey Parish Enclosure award of 1768 whereby the land in question was allotted to the Church Wardens of Willersey.

Mr Cott and Mrs Bell told me that for many years the practice has been for the Parish Clerk to let the land for grazing and that he has been permitted to retain for his own use the rent which to the best of my recollection has been £7 pa. The Parish Council makes and never has made any claim to the land in question.

On any view the Church Wardens from and after 1768 held the land either as trustees for the Parish or for the benefice of St Peters Willersey, in view of the recent history and in the absence of any claim by the Parish Council there is no necessity to resolve this question. The Church Wardens have been in receipt of the rents and profits for many years and have allowed the Parish Clerk for the time being to retain them by way of an additional emolument. It is clear beyond doubt that the Church Wardens now have a prescriptive title to the land as ~~have~~ trustees for the incumbent for the time being of the benefice of St Peters Willersey.

On this evidence I am satisfied that the incumbent for the time being of St Peters Willersey is the owner of the land, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register the incumbent for the time being of St Peters Willersey 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 of which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

17th

day of

February
E A Pe He

1978

Chief Commons Commissioner