



## COMMONS REGISTRATION ACT 1965

Reference No 213/U/75

In the Matter of Hardwicke Green,  
Hardwicke, Stroud District, Gloucestershire

## DECISION

This reference relates to the question of the ownership of land known as Hardwicke Green, Hardwicke, Stroud District being the land comprised in the Land Section of Register Unit No VG 79 in the Register of Town or Village Greens 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 Hardwicke Parish Council claimed (letter of 23 July 1974) ownership of the land in question; no other person claimed to be the freehold owner of the land or 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 Gloucester on 22 November 1978. At the hearing Hardwicke Parish Council were represented by Mr C D Herbert, their Clerk.

Mr Herbert produced the Parish Council Minute Book from 1894 to 1956, which for the meeting on 14 November 1956 contained the following minute:- "The Green. ... The Chairman read the status of the Green and it was resolved that the status be accepted and inserted in the minutes as follows:-

## Hardwicke Green

Status. Investigation not showing to the contrary it is hereby declared that Hardwicke Green and the wide verges of Sticky Lane and Green Lane are manorial waste.

Dedication. The Lady of the Manor hereby dedicates all such parts as she may hold in the above to the Parish for the preservation of beauty and the recreation of the parishioners insofar as this shall not interfere with the quiet of the residents. The Parish Council hereby accepts responsibility for the maintenance of the land for this purpose improvements or alterations to be carried out with the joint approval of the Parish Council and the Lord of the Manor for the time being.

Green Dwellers. Occupiers of the houses surrounding the Green have the right to keep poultry or graze animals on the Green, in the latter case the animals to be tethered or supervised. They may claim for their own purposes a strip of frontage 3 ft wide. They may not encroach on the Green by erecting fences or buildings or allowing hedges to straggle or in any other way or cause any untidiness or obstruction.

Maintenance. The Parish Council shall do what is needful to keep the grass in proper condition by making contracts for its care or by any other management".



Mr Herbert said (in effect):- He has been Clerk of the Parish Council for 25 years having been appointed just after the above quoted minute was written. At the time Mrs Olive Lloyd-Baker who signed the minute was Lady of the Manor and Chairman of the Parish Council. She never made any conveyance of the Green to the Parish Council or did anything of that sort. The Parish Council maintains the Green, keeping the grass cut and the edges in order.

I am concerned with the ownership of the legal estate in fee simple, see section 22(2) of the 1965 Act; a matter to which apparently no consideration was given in 1952. Having regard to the "dedication", it may be that in this case it matters little whether the Parish Council are now owners and are therefore registered under sub-section (2) of section 8 of the 1965 Act, or because I am not satisfied as to the ownership of any person ~~to~~ become owners under sub-section (3) of the section. In my own opinion the 1952 minute and the maintenance done by the Parish Council as described by Mr Herbert, falls short of establishing their ownership (he did not suggest otherwise). In the absence of any evidence that anybody else could be the owner, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Gloucestershire County Council, as registration authority, to register Hardwicke Parish Council as the owner of the land under section 8(3) 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 11<sup>th</sup> - day of December - 1978.

*a. a. Bacon Fuller*

Commons Commissioner