



COMMONS REGISTRATION ACT 1965

Reference No. 215/D/328

In the Matter of Gumries Shore Wharf,
Whitchurch, South Herefordshire District,
Hereford and Worcester County

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 195 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No. 463 made by Mrs Elizabeth Berenice Lewis and noted in the Register on 28 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 11 February 1981. At the hearing Mrs E B Lewis was represented by Mr R G Sheldrake solicitor with T A Matthews & Co, Solicitors of Hereford.

The land ("the Unit Land") in this Register Unit is a small area, being about 50 yards of the west bank of the River Wye, a short distance north of (Ye Olde) Ferrie Inn. The registration was made on the application of Whitchurch Parish Council. The grounds of the Objection are to the effect that the title deeds do not show this area as common land and it has been in the ownership of the Objector and her family since 1916.

Mrs Lewis in the course of her evidence, produced: (1) a conveyance dated 25 April 1944 by which this land (with other land) was conveyed by Mr L J Gardner to Mr James Lewis; (2) a conveyance dated 4 February 1963 which recited the death of Mr James Lewis on 16 January 1960 and by which the land was conveyed to Mr John Gerald Lewis and herself (Mrs E B Lewis); and (3) a deed of gift dated 10 November 1971.

She said that the land as a bank of the river could be used as a bathing place, but is too steep to be used by persons going to and from boats.

There is nothing in the deeds produced to indicate that the land is common land. In the absence of any evidence in support of the registration, my decision is that the registration was not properly made, and accordingly I refuse to confirm it.

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 8th day of April — 1981

a. a. *Bird Jull*

Commons Commissioner