



COMMONS REGISTRATION ACT 1965

Reference No 215/U/15

In the Matter of Hampton Meadow,
Hampton Bishop, South Herefordshire
District, Hereford and Worcester.

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which is known as Hampton Meadow, Hampton Bishop, South Herefordshire District and what is the land comprised in the Land Section of Register Unit No CL 98 in the Register of Common Land maintained by the Hereford and Worcester County Council. The Referred Part is the part 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 Vicar of Lugwardine (then Rev. Ewart Evans) claimed (letter of 26 October 1975) ownership of Tithe Nos 58, 73 and 75 as forming the Traherne Charity, the rents received being administered by the Vicar and Churchwardens of the parish. No other person claimed to be the freehold owner of the Referred Part in question 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 Referred Part at Hereford on 10 February 1981. At the hearing (1) the Reverend S C Parson, Vicar of Lugwardine as one of the Trustees of the Lugwardine Education Charities attended in person; (2) Hampton Bishop Commoners were represented by Mr S L Beaumont solicitor of Beaumont Smith and Davies, Solicitors of Hereford; and (3) Mr L J Jones on whose application the registration at Entry No 1 of the Rights Section was made, was represented by Mr D M Halpern, solicitor of Lambe Corner & Co, Solicitors of Hereford.

The land in this Register Unit is a tract extending to about 55 acres. In the Rights Section there are 15 registrations of rights of grazing. In the said Ownership Section registration the part of the land in this register unit of which Mr Jones is the owner is identified by reference to a supplemental map on which the extent of his ownership is outlined in red and on which there are delineated a number of strips identified by numbers.

Mr Parson in the course of his evidence produced: (1) a deed dated 30 May 1723 by which it was declared that 2 acres and one half of meadow ground lying in Hampton Common Meadow were pursuant to the will of John Traherne held upon the charitable trust therein mentioned; (2) an extract from a printed report of the Commissioners for Charities recording the said 1723 deed and the then use of the rents received from such charity; (3) a copy of a map made in 1860 which he had found in the Vestry Safe and which showed among lands belonging to the poor of Lugwardine three plots numbered 58, 73, and 83 and respectively containing 0a.1r.29p., 1a.0r.16p., and 0a.1r.32p. (totalling 1a.3r.37.); (4) an extract from the Lugwardine Tithe map now in the Record Office at Hereford; (5) a scheme made by the Charity Commissioners dated 12 December 1977 in the matter of nine charities including as No. 5 "Lugwardine Educational Foundation" and recording that its property included 2.5 acres in Hampton Meadow now let to John Jones at



the yearly rent of £10. There is in the scheme a note to the effect that the mentioned lands of the Charity numbered 5 were then vested in the Official Custodian for Charities by virtue of an order of the Commissioners dated 16 April 1940.

On the above evidence I identify the lands mentioned in the scheme with those numbered 58, 73 and 75 on the said Tithe map and also on the said supplemental map, and I am therefore satisfied that the Official Custodian is the owner of these 3 strips being part of the Referred Part above mentioned, and I shall accordingly direct the Hereford and Worcester County Council under section 8(2) of the Act of 1965 as registration authority to register the Official Custodian for Charities as the owner of the pieces or strips of land numbered 58, 73 and 75 on the said supplemental map. As to the remainder of the Referred Part in the absence of any evidence I am not satisfied that any person is the owner of it, and it will therefore remain subject to protection under section 9 of the said Act.

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 August 1981

A. A. Bades Fuller

Commons Commissioner