

In the Matter of land at Hay Bridge, in the Parish of Eardisland

DECISION

This reference relates to the question of the ownership of land at Hay Bridge, Eardisland, extending to about 1/7 of an acre, being part of the land (roughly the eastern half thereof) comprised in the Land Section of Register Unit No. CL.230 in the Register of Common Land maintained by the Hereford and Worcester 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 Mr and Mrs H H Savage claimed to be the freehold owners of the land in question. 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 Leominster on 20 May 1993.

The question of the ownership of this Unit came before Mr A A Baden Fuller (Commons Commissioner) and on the 27 July 1977, following a public hearing at which no evidence of ownership was produced, he directed that since he was not satisfied that any person was the owner of the land, it should remain subject to protection under section 9 of the 1965 Act.

In the present reference Mr D Turton of Messrs. Lloyds and Cooper, Solicitors of Leominster, appeared for Mr and Mrs Savage.

In support of their claim Mr Savage produced copies of the following documents:
(a) An Indenture of Conveyance dated 2nd August 1921 whereby Frances Hall conveyed a dwellinghouse garden and outbuildings and also the six pieces of land specified in the schedule thereto to John Levick in fee simple free from incumbrances. The schedule included the land comprised in the present reference ("the pink land") by the following description "208 Pasture 1.155".

(b) A grant of Probate of John Levick's will made on 13 October 1941 to two of the executors named in his will namely Barclays Bank Ltd and John Levick (the Younger).

(c) Probate of John Levick the Younger's will which states that he died on 15 February 1957.

(d) A conveyance dated 30 June 1977 by Barclays Bank Trust Company Limited (the successor to Barclays Bank Ltd) to Mr H H Savage and Mrs Savage by her then name of Margaret Ann Bull. The pink land is clearly included in this conveyance being the first item described in the schedule, namely "No. on O.S. Map: 208. Description: Pasture. Area 1.155".

(e) A certificate of Mr and Mrs Savage's marriage, solemnised on 20 August 1977.



Mr Savage also gave oral evidence verifying the above documents and stating that he and his wife had enjoyed undisturbed possession of the property since their purchase in June 1977.

No one opposed Mr and Mrs Savage's application and on the above evidence (which was not contradicted or put in doubt by any other evidence) I am satisfied that Mr and Mrs Savage are the owners of the pink land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Mr and Mrs Savage as the owners 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 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 24th day of May 1993.

A handwritten signature in cursive script, appearing to read 'C. A. R. ...', is written over the printed name of the Commons Commissioner.

Commons Commissioner