



COMMONS REGISTRATION ACT 1965

Reference No 15/U/22

In the Matter of Leitwardine Village Green,
Leitwardine, Leominster & Wigmore R.D.
Herefordshire

DECISION

This reference relates to the question of the ownership of land known as Leitwardine Village Green, Leitwardine, Leominster & Wigmore Rural District, being the land comprised in the Land Section of Register Unit No VG.19 in the Register of Town or Village Greens maintained by the Herefordshire 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 no person claimed to be the freehold owner of the land in question and no 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 Hereford on 22 February 1973. No person attended the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the land. With a letter dated 10 October 1972 from the Leominster & Wigmore Rural District Council to the Clerk of the Commons Commissioners was enclosed a copy of Bye-laws made by the Council on 28 September 1962 in pursuance of a scheme made by the Council and approved by the Board of Agriculture under the Commons Act 1899; in the letter it is stated that the Council have maintained the Leitwardine Village Green since 1962 and have regulated its use by means of the Bye-laws. I infer that this case does not fall within paragraph (c) of subsection (5) of section 8 of the Act of 1965. In a letter dated 13 October 1972, the Council said it was their intention to claim ownership: however in my view I am under subsection (3) of the section in this case obliged to direct and I shall accordingly direct the Herefordshire County Council, as registration authority to register Leominster & Wigmore Rural District 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 5th day of March 1973

a. a. Baden Fuller

Commons Commissioner