



COMMONS REGISTRATION ACT 1965

Reference No. 215/U/13

In the Matter of Lower Lugg Meadow,
Lugwardine and Hampton Bishop,
South Herefordshire District,
Hereford and Worcester

SECOND DECISION

This decision is supplemental to a decision dated 12 August 1977 and given by me in this Matter upon a reference as to the ownership of the land in Register Unit No. CL35 in the Register of Common Land maintained by the Hereford and Worcester County Council upon evidence given at a hearing held by me at Hereford on 21 July 1977.

In my said decision I said I would in certain circumstances adjourn the hearing as regards plot 371 on the Inset map therein mentioned. I held the adjourned hearing at Hereford on 10 February 1981. This hearing was attended by the Reverend S.C. Parson, Vicar of Lugwardine as one of the trustees of the Lugwardine Education Charities.

Mr Parson in the course of his evidence produced: (1) a copy of a map made in 1830; (2) a copy of a map made in 1860 which he had found in the Vestry safe and which showed among the lands belonging to the Poor of Lugwardine a plot of land: "371 : OA, 2R, 12P"; (3) an extract from the Lugwardine Tithe map now in the Record Office at Hereford; (4) a paper found amongst the charity papers showing a rent of £1.6.3 was received for land at Lugwardine "O.2.12."; (5) a foolscap size book entitled "Poor's Charities from lands and vested funds belonging to the parish of Lugwardine in the county of Hereford from the year 1832" and containing an annual entry from 1834 onwards up to 1979 recording the receipt of a rent in respect of the Lower Meadow and (6) 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 "land containing 2 roods 12 perches or thereabouts at Hereford, being part of Lower Lugg Meadow and now let to Percy Cook at a yearly rent of £1.25". 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 15 April 1940.

Mr Percy George Cook of Old Court, Lugwardine who happened to be present at the hearing produced a receipt for rent he had paid on 11 February 1980 for this land and said that he had paid this rent to the Charity since 1922.

On the evidence summarised above and in the light of information given to me at the July 1977 hearing I am satisfied that the Official Custodian is the owner of the land, and I shall accordingly direct Hereford and Worcester County Council as registration authority to register the Official Custodian for Charities as the owner of plot 371 marked on the Inset map mentioned in my decision.



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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 18th — day of May 1981

a. a. Baden Fuller

Commons Commissioner