



COMMONS REGISTRATION ACT 1965

Reference No. 42/U/77

In the Matter of part of Newland Common,
Newland, Malvern Hills D

DECISION

This reference relates to the question of the ownership of land known as part of Newland Common, Newland, Malvern Hills D being the land comprised in the Land Section of Register Unit No. CL 119 in the Register of Common Land maintained by the former Worcestershire 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 Countess Beauchamp, the Hon Leopold Russell and John Emmerson claimed to be the freehold owners of the land in question and 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 Worcester on 9 and 11 May 1979.

Mr J D Schooling instructed by Messrs Whatley Weston and Fox appeared for the Malvern Hills conservators and Mr Hughes appeared for the Madresfield Estate.

At the hearing on the 9 May it was common ground that the title to the land was in the Madresfield Estate and the Conservators claimed to be in possession and stated that the intention of the Estate was that the Conservators should become the owners thereof.

With a view of avoiding the expense and delay involved in a further hearing, I adjourned the matter in order that the parties should have the opportunity to enter into a contract for sale. The parties did in fact enter into a contract for sale and there will be a note on the Ownership Section of the Register that the land is the subject of a contract for sale to the Malvern Hills Conservators.

For these reasons I am satisfied that Countess Beauchamp, the Hon Leopold Russell and John Emmerson are the owners of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register them 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

19th

day of June

1979

Commons Commissioner