



COMMONS REGISTRATION ACT 1965

Reference No. 42/U/71

In the Matter of Recreation Allotment, Corse
Lawn, Eldersfield, Malvern Hills D.,

DECISION

This reference relates to the question of the ownership of land known as Recreation Allotment, Corse Lawn, Eldersfield, Malvern Hills D, being the land comprised in the Land Section of Register Unit No. VG.50 in the Register of Town or Village Greens 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 the Eldersfield Parish Council claimed to be the freehold owner 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 14 November 1974.

Mr H.J. Bainbridge and Mrs Suttle who are respectively the chairman and clerk of the Eldersfield Parish Council appeared. Mrs Suttle produced an Enclosure Award dat 1865 whereby the land in question was allotted to the churchwardens and overseers of the Parish for recreation and minute books which disclosed that on occasions when the land was let the Parish received the rents.

On this evidence I am satisfied that the Eldersfield Parish Council is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register the Eldersfield Parish Council as the owner 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 22nd day of November 1974

C A Suttle

Commons Commissioner