



COMMONS REGISTRATION ACT 1965

Reference No. 42/U/65

In the Matter of Recreation Ground, Upton-upon-Severn
Malvern Hills D.,

DECISION

This reference relates to the question of the ownership of land known as Recreation Ground, Upton-upon-Severn, Malvern Hills D; being the land comprised in the Land Section of Register Unit No. VG.40 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 no person claimed to be the freehold owner of the land in question and no one 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 Trewin the clerk to the Upton-upon-Severn Parish Council appeared and produced an Enclosure Award dated 1863 together with the plan and terrier. He had been Clerk to the Council for 24 years and lived in the district all his life and was able to say from his own knowledge that the land in question has been used and administered by the Parish Council at all material times.

On this evidence I am satisfied that the Upton-upon-Severn 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 Upton-upon-Severn 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 21st day of November 1974

C. A. Little

Commons Commissioner