



Reference No 215/U/25

COMMONS REGISTRATION ACT 1965

In the Matter of Shiel Meadow,
Richards Castle, Leominster District,
Hereford and Worcester

DECISION

This reference relates to the question of the ownership of land known as Shiel Meadow, Richards Castle, Leominster District being the land comprised in the Land Section of Register Unit No CL 121 in the Register of Common Land maintained by the Hereford and Worcester 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 Bilbury Farm Ltd claimed (letter of 26 September 1978 from their Solicitor) ownership of the land in question. No other person claimed to be the owner or 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 12 January 1979. At the hearing Bilbury Farm ~~Ltd~~ Limited ("the Company") were represented by Mr G S Stephens solicitor of Phillips & Co Solicitors of Ludlow, and Mr L G Bayliss, Mr J C Hall and Mr D A Bayliss (Rights Section Entry Nos 4, 7 and 18 were made on their application) attended in person.

Mr V E Tudge who is a director of the Company, in the course of his evidence produced: (1) a conveyance dated 5 August 1971 by which Mrs E M Turner conveyed to the Company about 212.741 acres of land by reference to the OS map of 1903 and to a plan of the below mentioned 1949 conveyance; and (2) an epitome (examined 2 August 1971) of the title of Mr E M Turner to Bury Farm. The epitome included a conveyance dated 28 April 1949 by Rt. Hon D E F Baron Inchiquin to Mr E T Turner, letters of administration dated 23 January 1956 to his estate granted to Mrs E M Turner and an assent dated 10 May 1956 in her favour.

Mr Tudge identified the land in this Register Unit with part of that dealt with by the 1949 and 1971 conveyances.

Messrs Bayliss and Hill while making it clear that they did not claim ownership for themselves or dispute the ownership of the Company, tried to inform me about certain things which they said had been done on or near the land. I refused to consider what they said being of the opinion (to which I adhere) that on this reference my jurisdiction is limited to considering matters relating to the ownership of the land and that I could not therefore properly express an opinion about matters not relating to ownership, or indeed consider any such matters at all.

On the evidence summarised above I am satisfied that the Company are the owners of the land, and I shall accordingly direct the Hereford and Worcester County Council as registration authority, to register Bilbury Farm Ltd, of 41 Mill Street, Ludlow as the owners of the land under section 8(2) of the Act of 1965. Limited



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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 12th day of February 1979

a. a. Baslin Fuller

Commons Commissioner