



COMMONS REGISTRATION ACT 1965

Reference No 15/U/15

In the Matter of the Football Pitch
Colwall, Ledbury R.D., Herefordshire

DECISION

This reference relates to the question of the ownership of land known as the Football Pitch, Colwall, Ledbury Rural District, being the land comprised in the Land section of Register Unit No VG.33 in the Register of Town or Village Greens maintained by the Herefordshire 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 Malvern Hills Conservators 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 Hereford on 22 February 1973. The hearing was attended by Malvern Hills Conservators who were represented by Mr E D L Whatley (solicitor of Whatley Western & Fox Solicitors of Great Malvern) who is their clerk.

Mr Whatley said that the Malvern Hills Conservators were appointed under the Malvern Hills Acts 1884 to 1930 and were under such Acts a body corporate. In the course of his evidence he produced a conveyance dated 3 October 1967 of the land comprised in this Register Unit by Mrs E M Lloyd to the Conservators and an abstract of the title of Mrs Lloyd to this and other land. The 1967 conveyance contained covenants for the preservation of the land as an open space and so forth, including a covenant under which Mrs Lloyd might in certain circumstances repurchase the land. The abstract of title commenced with indentures dated 7 and 12 February 1920 under which Mr A H Bright became absolutely entitled to the lands thereby conveyed subject to defeasance if Mr J F Bright (therein stated to have been married in 1864 and never to have had a son) died having had a son and continued with a statement of the death of Mr A H Bright on 3 August 1941, a grant of probate of his will and an assent dated 27 March 1963 and made by one of his two executors (the other had died) of lands containing 396 acres 3 roods 20 perches, including the land comprised in this Register Unit.

Mr Whatley said that the abstract had been examined by his firm, that Mr J F Bright died without having had a son, that Mrs Lloyd is the daughter of Mr A H Bright and that the Conservators were in possession of the land conveyed by the 1967 conveyance which is as its name suggests, used as a football pitch.

On the evidence outlined above, I am satisfied that the Conservators are the owners of the land, and I shall accordingly direct the Herefordshire County Council, as registration authority, to register Malvern Hills Conservators a body corporate under the Malvern Hills Act 1884 to 1930 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

16th

day of

March

1973

a. a. Baden Fuller

Commons Commissioner