



## COMMONS REGISTRATION ACT 1965

Reference No 15/U/10

In the Matter of the Green,  
Lower Bullingham, Hereford R.D.,  
Herefordshire

DECISION

This reference relates to the question of the ownership of land known as the Green, Lower Bullingham, Hereford Rural District, being the land comprised in the Land Section of Register Unit No VG.43 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 no person claimed to be the freehold owner of the land in question and no 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 21 February 1973. The hearing was attended by the Herefordshire County Council who were represented by Mr D Walters of their Legal Department.

Mr Walters said: The registration had been made by the County Council as registration authority without any application under section 4(2)(a) of the Act of 1965 and in accordance with the Ministry of Housing and Local Governments letter dated 17 December 1969 ~~as~~ sent to all County and County Borough Councils. In so acting, the County Council relied on the Tithe Apportionment for the Parish of Lower Bullingham which had been approved by the Tithe Commissioners on 31 December 1844 and in which this land had been included in the lands described in the Schedule as "Waste Water and Roads".

Mr Walters produced for my inspection the original Award (with the map annexed) which was held in the County Record Office. In the schedules against the lands described as "Waste, Water and Roads", the column headed "Ownership" was blank.

In my view, I cannot from the Award reach any conclusion as to the ownership of the land, the subject of this reference. In the absence of any other evidence as to ownership I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Hereford shire County Council, as registration authority, to register Lower Bullingham Parish Council as the owner of the land under section 8(3) 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 26<sup>th</sup> day of February 1973

A. A. Baden Fuller