



COMMONS REGISTRATION ACT 1965

Reference No. 42/U/60

In the Matter of The Marsh, Eldersfield  
Malvern Hills D.,

DECISION

This reference relates to the question of the ownership of land known as The Marsh Eldersfield Malvern Hills D., being the land comprised in the Land Section of Register Unit No. CL.43 in the Register of Common Land 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.

When making the reference the Worcestershire County Council informed the Clerk of the Commons Commissioners that the Public Trustee was the freehold owner, and that the Eldersfield Pasture Holders Association claimed to be the owner of the land in question.

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.

Mrs Suttle, Clerk to the Eldersfield Parish Council and Captain Hoare on behalf of the Eldersfield Pasture Holders Association appeared. Mrs Suttle produced a letter dated 14 February 1967 addressed to the Public Trustee and the Public Trustee's answer dated 17 February 1967 in which the Public Trustee stated that the land in question was almost certainly vested in the Public Trustee on 1 January 1926. Captain Hoare stated that on 1 January 1926 there were more than four commoners beneficially interested in the land in question and he was content that the Public Trustee should be registered as the owner of the land in accordance with the submission of Mrs Suttle.

On this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register the Public Trustee 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

21<sup>st</sup>

day of

November

1974

Commons Commissioner