



COMMONS REGISTRATION ACT 1965

Reference No 15/U/93

In the Matter of The Pound, Canon Pyon,
Leominster District, Hereford and Worcester

DECISION

This reference relates to the question of the ownership of land known as The Pound, (opposite the Vicarage) Canon Pyon, Leominster District being the land comprised in the Land Section of Register Unit No CL.201 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 the Clerk of the Pyons with Birley Group Parish Council in a letter dated 21 January 1976 said: there is no Parish Pump (in the Register the land in question is described as "The Pound or The Parish Pump"); the Pound has been maintained voluntarily by parishioners over the years. No person claimed to be the freehold owner of the land 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 27 January 1976. At the hearing, the Parish Council was represented by Mr H D B Bulmer.

Mr Bulmer who is aged 57 years, has lived all his life (except during the 1939-45 war) in the Parish, and has been a member of the Parish Council for the last 10 years, in the course of his evidence said (in effect):- On the land there stands the Old Pound, a walled square (dry stone walls) surrounded by a green sward with a small open entrance but without any roof. The land is on the side of the road from the Village to Kings Pyon, and at a place where this road is joined by a short length of road leading to the Church (St Lawrence's). His grandfather was the Vicar from 1881 to 1920. Up to 1939 from as far back as he could remember and (so he understood from his father) while his grandfather was the Vicar, the Pound was used for storing coal and wood for the Church, and was maintained by the Sexton together with the Churchyard. Since 1939 it had been kept tidy and kept in fairly good repair by various Parishioners. The ownership of the land was always considered to be in the hands of the Parish; on various occasions the adjoining land had changed hands and the land owners never disputed this, and as far as he knew, it had never been suggested that the land could be owned otherwise. The County Council recently agreed to make up the short stretch of road leading to the Churchyard entrance.

Three days after the hearing, I inspected the land. From its situation and appearance (a disused pound), and from its history as outlined by Mr Bulmer, I infer it has always been public land. Notwithstanding its use for Church purposes and its maintenance with the Churchyard, its being a pound is inconsistent with its being in any sense Church land; Mr Bulmer, who is a member of the Parochial Church Council, said it was not claimed on behalf of the Church.



I conclude that by general consent, the land has always been considered to be Parish property, and accordingly by operation of law it was formerly vested in the Churchwardens and Overseers, and is now vested in the Parish Council as their statutory successors.

For these reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Pyons with Birley Group 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 3rd day of *February* 1976

a. a. Baden Fuller

Commons Commissioner