



In the Matter of Two pieces of land fronting  
River Severn, Upton on Severn, Malvern Hills D

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DECISION

This reference relates to the question of ownership of two pieces of land fronting River Severn, Upton on Severn, Malvern Hills D being the land comprised in the Land Section of Register Unit No. CL 106 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Worcester on 9 May 1979.

Mr G C Humphries of Messrs Moore & Dixon appeared for the Upton on Severn Parish Council and Mr K R Harris appeared in person.

Mr Humphries produced the Parish award dated 28 August 1863, whereby two small parcels of land were allotted to the Churchwardens and Overseers for public landing places. I am satisfied that the Parish Council is as the successor to the churchwardens and overseers, the owner of these two landing places and I shall direct the Hereford and Worcester County Council to register Upton on Severn Parish Council as the owner thereof. The two pieces of land will be identified on a plan which will be annexed to my said direction.

As regards the remainder of the land, Mr Harris claimed that part of it had been dedicated to the County Council subject to mooring rights and fishing rights for householders on the land opposite their respective houses. Fishing rights, not having been registered as Common Rights, it is now too late for the householders to claim such rights. Mooring rights are easements with which I am not concerned, but claims thereto may be noted on the Register. The County Council did not appear to claim any part of the land in question and in the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore be subject to protection under section 9 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

19<sup>th</sup>

day of June

1979

*G. A. Little*

Commons Commissioner