



COMMONS REGISTRATION ACT 1965

Reference No 21/U/59

In the Matter of The Green, North  
Kilworth, Harborough District,  
Leicestershire

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DECISION

This reference relates to the question of the ownership of land known as The Green (at the junction of Hawthorne Road, High Street, Cranmer Lane and Green Lane), North Kilworth, Harborough District being the land comprised in the Land Section of Register Unit No VG. 59 in the Register of Town or Village Greens maintained by the Leicestershire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

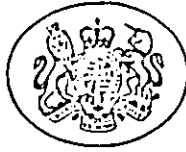
Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Leicester on 21 April 1977. At the hearing North Kilworth Parish Council were represented by Mr D S Astbury, one of their members.

Mr Astbury, who has been resident in the Parish for 25 years and a member of the Parish Council for 10 years, said (in effect):- The land is in the centre of the Village. It is surrounded by roads. The War Memorial is on the middle of it. The Parish Council has maintained the land as long as anybody can remember.

If I concluded that the Parish Council have by their maintenance been in possession, I might be satisfied that they are now the owners under a possessory title and I would then be required by subsection (2) of section 8 of the 1965 Act to direct their registration as owners. However if I am not satisfied that the Council or anyone else are the owners, I am required by subsection (3) of the section to direct their registration as owners. So the question whether in this case the Parish Council can prove ownership may be of no practical consequence. After discussing the position with Mr Astbury, he said that the land was always regarded as belonging to the Village, but the Parish Council had no documents relating to ownership, and he was therefore agreeable to my proceeding under subsection (3).

So I have no evidence of ownership, and I am therefore not satisfied that any person is the owner of the land; I shall accordingly direct the Leicestershire County Council as registration authority to register North Kilworth Parish Council as the owner of the land under subsection 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 25<sup>th</sup> — day of April — 1977

a. a. Basden Fuller

Commons Commissioner