



In the Matter of Enclosed Common Eakring

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL.32 in the Register of Common Land maintained by the Nottinghamshire 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 Geoff Bower Limited claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Nottingham on 19 November 1985.

The hearing was attended by Mr A E Shepperson of Sherlocks Solicitors of Sutton-in-Ashfield appearing for the claimant, Mr M Maher for the Registration Authority and Mr J C Hilton in person.

I had considered the question of the ownership of this register unit at an earlier hearing held on 11 November 1984, 26 February 1985 and 4 June 1985 at which Mr Hilton had claimed ownership. In my decision dated 8 July 1985 I decided that Mr Hilton's claim had not been made out.

The present claimant produced as a root of title a Conveyance for value dated 19 January 1939, in which the land was clearly identified, and traced the title through a series of conveyances to the claimant.

On this evidence I am satisfied that Geoff Bower Limited is the owner of the land, and I shall accordingly direct the Nottinghamshire County Council, as registration authority, to register the company 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

22nd

day of

November

1985

George H. H. H.

COMMONS COMMISSIONER