



Reference No. 228/U/123

In the matter of "The Green",
East Markham, Bassetlaw
District, Nottinghamshire

DECISION

This reference relates to the question of the ownership of land known as The Green, East Markham, Bassetlaw District being the land comprised in the Land Section of Register Unit No. VG 6 in the Register of Town or Village Greens 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 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 Nottingham on 14 May 1985. At the hearing East Markham Parish Council were represented by Mr William Bernard Clark their chairman; present also was Mrs Rosaline Andrews their vice-chairman.

Mr Clark who has resided in the Parish since 1967, been a member of the Parish Council since 1979 and chairman for just over a year in the course of his oral evidence said (in effect):- The Parish Council do not know who is the owner of this land. They have maintained it for years, cutting the grass, but there is no entry in the Parish Council minute book or other evidence of it having been given to the Parish. It is thought to have been a 17th century plague pit.

Mrs Andrews who has lived in the village since 1975, been Parish Clerk from 1976 to 1978 and vice-chairman of the Parish Council since 1980 said that the land had been maintained since 1977 by the Parish Council.

There was some discussion at the hearing whether I should give a decision: (a) in accordance with subsection (2) of section 8 of the Commons Registration Act 1965, that is be satisfied that the Parish Council are the owners and direct their registration as such accordingly; or (b) in accordance with subsection (3) of section 8, that is be not so satisfied and as required by the subsection direct the registration of the Parish Council as owners. It may be that the difference is for practical purposes of no consequence. Having regard to what was said during the discussion and with the agreement of Mr Clark and Mrs Andrews on the evidence given at the hearing I am not satisfied that any person is the owner of the land and I shall accordingly direct the Nottinghamshire County Council as registration authority, to register East Markham Parish Council as the owner of the land under section 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



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law, may, within 6 weeks from the date on which notice of the decision is sent him, require me to state a case for the decision of the High Court.

Dated this 19th _____

day of *December* — 1985.

a. a. Baden Fuller

Commons Commissioner