



COMMONS REGISTRATION ACT 1965

Reference No 276/U/68

In the Matter of the piece of
land known as Maypole Bank,
Hyssington Churchstoke,
Montgomery D

DECISION

This reference relates to the question of the ownership of the piece of land known as Maypole Bank, Hyssington, Churchstoke, Montgomery D being the land comprised in the Land Section of Register Unit No VG. 8(M) in the Register of Town or Village Greens maintained by the former Montgomeryshire 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 Mr D J L Davies and Miss I E Kay each claimed to be the freehold owner of part of the land in question 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 Welshpool on 10 December 1976.

Mr C Bell appeared for Mr Davies, Miss Kay and the Churchstoke Community Council and he produced a conveyance dated 28 January 1969 made between the Parish Council of Churchstoke and Miss Kay whereby the south portion of the land in question identified on the plan annexed thereto was conveyed to Miss Kay under the authority of a scheme of the Secretary of State for Education and Science dated 13 January 1969.

Mr Bell also produced a similar conveyance whereby the remainder of the land in question was conveyed to Mr Davies.

It is clear beyond doubt that Miss Kay and Mr Davies are respectively the owners of the lands conveyed to them as aforesaid.

The land was registered as a village green by the Commons Preservation Society on 1 April 1969 no doubt because by an Enclosure Award made in the year 1853 the land was allotted as a place for exercise and recreation for the inhabitants of the Parish. It is clear that on 1 April 1969 the land in question was not a village green and I feel compelled to express my view that it is unfortunate that the Commons Preservation Society did not make any inquiry of the Parish Council before making the registration and also that the Parish Council took no action when the Registration was brought to its notice. The Registration in the Land Section being final I regret that I have no power to put that matter right.



On the evidence I am satisfied that Mr Davies and Miss Kay are the respective owners of the respective parts of the land conveyed to them as aforesaid and I shall accordingly direct the Powys County Council, as registration authority, to register Mr Davies and Miss Kay as the owners of their respective parts of the land under section 8(2) of the Act of 1965, which will be identified on a plan to be annexed to my direction.

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 21st day of February 1977

G. A. Little

Commons Commissioner