



COMMONS REGISTRATION ACT 1965

Reference Nos 231/U/1
231/U/5

In the Matter of (1) Obley
Allotment and (2) the Turbaries,
Obley, both in Clunbury, South
Shropshire District, Salop

DECISION

These references relate to the question of the ownership of lands known as (1) Obley Allotment (about 3 acres) and the Turbaries, Obley (about 6 acres 18 perches) both in Clunbury, South Shropshire District being the lands comprised in the Land Section of Register Unit (1) No CL. 48 and (2) No CL. 68 in the Register of Common Land maintained by the Salop 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 these references the Charity Commission said (letter dated 2 September 1974) that they might wish to submit evidence. No person claimed to be the freehold owner of the lands in question and no other person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Shrewsbury on 20 June 1978. At the hearing Clunbury Parish Council were represented by Mr B Grice their clerk. Before the hearing the Charity Commission (with a letter dated 12 June 1978) sent two affidavits sworn on 12 June 1978 by Mr J W Mooney who is a Higher Executive Officer at their Northern Office.

Mr E Hewitt who is a senior administrative assistant in the County Secretary's Department of Salop County Council produced from the County Archives the Clunbury (Obley Township) Inclosure Award dated 18 July 1854 which contained allotments as follows:- "I...award unto the Churchwardens and Overseers of the Poor all that piece or parcel of land numbered 35 on the said Map, containing three acres to be held by them and their successors in trust as an allotment for the Labouring Poor of the said Township of Obley subject...to...a clear rent of one pound...And I...award unto the said Churchwardens and Overseers of the Poor All that piece or parcel of land numbered 7 on the said Map and containing six acres and eighteen perches to be held by them and their successors in trust as an allotment to be appropriated and used by the Inhabitants of the said Township of Obley for the digging cutting and curing of Peats to be used for fuel in or upon the messuages and other buildings within the said Township but not for sale or any other purpose whatsoever And I direct that the said Churchwardens and Overseers shal from time to time give directions and make regulations as to the mode in which the cutting or graft of the Peats shall be conducted and that the said cutting or graft should be so conducted accordingly".

Mr Grice produced a copy of a scheme made on 30 November 1900 for the regulation of the Obley Allotment Charity which referred to the CL. 48 land and provided that the Parish Council should be the trustees of the Charity. He said that the



Parish Council receive rent from this land but did not receive any rent or take any action in relation to the CL. 68 land (he understood that there was nothing they could do with it).

Mr Mooney in his affidavit referred to the above quoted 1854 allotments and the 1900 Scheme.

From the 1854 Award map the lands allotted as above can be identified with the lands comprised in these Register Units; I conclude that they are now vested in the Parish Council as the successors of the Churchwardens and Overseers. I am therefore satisfied that the Parish Council are the owners of the lands and I shall accordingly direct the Salop County Council, as registration authority, to register Clunbury Parish Council as the owners of the lands 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 25th day of June — 1978

A.A. Baden Fuller

Commons Commissioner