

COMMONS REGISTRATION ACT 1965



Reference No. 239/U/109

In the Matter of The Village Green at Over
Green, Wishaw, Warwickshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green at Over Green, Wishaw, being the land comprised in the Land Section of Register Unit No. VG 112 in the Register of Town or Village Greens maintained by the Warwickshire 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 Mrs P Francis claimed to be the freehold owner of the land in question and the Wishaw and Moxhull Parish Council and the Open Spaces Society 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 Nuneaton on 13 October 1983.

At the hearing Mrs Francis appeared in person.

I was informed that the land in question was awarded to the Churchwardens and Overseers of the Poor of the parish of Wishaw for recreational purposes by an enclosure award dated 21 July 1851. Although the award was not proved in evidence, this is not inconsistent with the evidence adduced by Mrs Francis.

A part of the land was conveyed to a Mr W Cooper by a Conveyance made 8 April 1919 between (1) Frank Foden (2) William Cooper, and the remainder was conveyed to Mr Cooper by a Conveyance made 20 March 1922 between (1) The Chairman and Overseers of the Parish of Wishaw and Moxhull (2) The Minister of Agriculture and Fisheries (3) W Cooper. After divers mesne assignments both parts of the land were conveyed to Mrs Francis by a Conveyance made 10 October 1977 between (1) Evelyn Brenda Jones and Patricia Mary Francis (2) E B Jones (3) P M Francis.

On this evidence I am satisfied that Mrs Francis is the owner of the land, and I shall accordingly direct the Warwickshire County Council, as registration authority, to register her 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

22^d

day of

November

1983

Chief Commons Commissioner