



COMMONS REGISTRATION ACT 1965

Reference No. 239/U/46

In the Matter of Top Green and Bottom Green,
Ilmington, Warwickshire

DECISION

This reference relates to the question of the ownership of land known as Top Green and Bottom Green, Ilmington being the land comprised in the Land Section of Register Unit No. VG 128 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 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 Stratford-on-Avon on 3 February 1982.

There was no appearance at the hearing, but the hearing on the previous day had been attended by Mr J E Freeman, the Chairman of the Ilmington Parish Council, who left a written statement that his Council based a claim to the ownership of the land in question on the fact that the land had been maintained by and had been the responsibility of the Council at least within living memory.

Even if this statement had been proved by oral evidence, it would have been insufficient to prove that the Parish Council had acquired a possessory title to the land. Therefore, since I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Warwickshire County Council, as registration authority, to register the Ilmington 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 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

11th

day of

February

1982

Chief Commons Commissioner