



In the Matter of The Cross, Eyam, West  
Derbyshire D

DECISION

This reference relates to the question of the ownership of land known as The Cross Eyam being the land comprised in the Land Section of Register Unit No. VG 18 in the Register of Town or Village Greens, maintained by the Derbyshire 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 Eyam Parish Council claimed to be the freehold owner 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 Matlock on 13 November 1979.

Mr C Daniels, Clerk of the Eyam Parish Council, supported by his chairman Mr J A Carnall and Councillor Mrs W Nott-Taylor appeared. It came as a surprise to them to learn that the final Entry in the Land Section did not confer ownership on the Parish.

I was told that many years ago a Mr J U Bowers bequeathed a sum of money known as the Bowers Trust for the maintenance of The Cross. This was a small sum of money and has from time to time been supplemented by the Parish Council and the available money has been expended by the Council on maintenance. The Cross has an ancient history and the adjoining Market House is without doubt parish property and the ancient stocks are also on the site. I find the circumstance that Mr Bowers left a sum of money for the maintenance of The Cross compelling. He would have been unlikely to take this course if he was not satisfied that the land belonged to the parish. The Council has given permission for the placing of two seats and the planting of a commemorative tree on The Cross and has erected bollards and chains thereon. The overall picture is that over a period far in excess of twelve years the Council has considered itself to be the owner and acted on the assumption that it has, at all material times, been the owner and that it has been recognised when occasion arose as being the owner.

On this evidence I am satisfied that Eyam Parish Council is the owner of the land, and I shall accordingly direct the Derbyshire County Council, as registration authority to register Eyam Parish Council 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

26<sup>th</sup>

day of

November

1979

*J A Little*

Commons Commissioner