



COMMONS REGISTRATION ACT 1965

Reference No 215/U/31

In the Matter of Byton Common,
Stapleton Group Parish,
Leominster District, Hereford
and Worcester County

DECISION

This reference relates to the question of the ownership of land containing about 24 acres (9.712 hectares) and known as Byton Common, Stapleton Group Parish, Leominster District being the land comprised in the Land Section of Register Unit No CL 145 in the Register of Common Land maintained by the Hereford and Worcester 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 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 Hereford on 12 February 1981. At the hearing Mr David Lyndon Arkwright was represented by Mr W D Turton solicitor of Lloyd & Son, Solicitors of Leominster

Mr Turton who has for the last 13 years on behalf of his firm dealt with the affairs of Mr Arkwright, in the course of his evidence produced: (1) a conveyance dated 16 April 1912 by which the Archbishop of Canterbury and others conveyed the Kinsham Court Estate to Mr John Stanhope Arkwright; and (2) the probate dated 19 October 1955 of the will of Mr J S Arkwright (he died 19 September 1954) granted to Mr David Lyndon Arkwright and Mr Geoffrey Poppleton Lloyd. In the 1912 conveyance the land thereby conveyed was described by reference to a plan and a schedule which included the land in this Register Unit (therein called "106: Byton Hill Common: 24.032"). Mr Turton said that Mr G P Lloyd died on 20 June 1965.

On this evidence I am satisfied that Mr D L Arkwright is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Mr David Lyndon Arkwright of Kinsham Court, Byton, Presteigne, Powys as the owner of the land under section 3(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 1st — day of May — 1981

a. a. B. Fuller