



In the Matter of Lower Ham, Kempsey

DECISION

This reference relates to the question of the ownership of land above-mentioned being part of the land comprised in the Land Section of Register Unit No. CL 73 in the Register of Common Land maintained by the former Worcestershire 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 two persons 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 Worcester on 25 May 1983.

Mr J D Schooling of Messrs Whatley, Weston and Fox, Solicitors of Worcester appeared for the Kempsey Charity Land Trustees and Mr S W Watkins appeared for Messrs H W Watkins and Sons.

Mr Schooling produced a copy of a Scheme made on 17 June 1902 appointing new trustees of the Charity and vesting the land (just over 1 acre) in the Official Custodian of Charity Lands. This Land (Plot No. 801) is the rectangular piece of land unhatched and coloured green just to the North of the words 'Lower Ham' on the register plan.

Under the Charities Act 1960 S.3. this office is now called 'the Official Custodian for Charities'.

The remainder of the unclaimed land comprising Plots Nos. 810, 812, 815, 819, 820, 822 and 824 are now vested in John Ambrose and Stanley Wallace Watkins as trustees for Messrs H W Watkins and Sons of Keswell House, Kerswell Green, Kempsey to whom they were conveyed by two conveyances dated 23 July 1962 and 21 September 1962.

A plan showing the layout of the various plots will be annexed to the copy of my decision sent to the Registration Authority.

On this evidence I am satisfied that the Official Custodian of Charities is the owner of Plot 801. I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register them respectively as the owners of such plots under section 8(2) of the Act of 1965, and that the said trustees are the owners of the remaining Plots 810, 812, 815, 819, 820, 822 and 824.

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

17th

day of

January

1984

George Herkoti

Commons Commissioner