



COMMONS REGISTRATION ACT 1965

Reference No 215/U/5

In the Matter of Tucknell Bank,
Wigmore, Leominster District,
Hereford and Worcester

DECISION

This reference relates to the question of the ownership of part ("the unclaimed part" hereinafter defined) of the land known as Tucknell Bank part D, Wigmore, Leominster District being the land comprised in the Land Section of Register Unit No CL. 208 in the Register of Common and maintained by the Hereford and Worcester County Council. The land is a little less than a mile from Wigmore, and comprises two strips about 100 yards and 350 yards long on the north and south sides respectively of one of the roads from Wigmore to Lingen. Of a comparatively very small part of the western end of the northern of these two strips, the Minister of Agriculture, Fisheries and Food was on 11 February 1970 registered under section 4 of the Commons Registration Act 1965 as the owner. The unclaimed part means the part (nearly the whole) of the said land of which neither the Minister nor any other person is so registered as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the unclaimed part 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 unclaimed part at Hereford on 21 July 1977. At the hearing Wigmore Group Parish Council was represented by Mrs M Tonkin their clerk.

Mrs Tonkin said (in effect):- According to the 1845 Tithe map of the Parish, the whole of the land, including the small part owned by the Forestry Commissioners (the registered ownership of the Minister was on their behalf) was common land. No local inhabitant had as far as she knew ever claimed ownership. The Parish Council could offer no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the unclaimed part, and it will therefore remain subject to protection under section 9 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 28th day of July — 1977

a a. Baden Fuller

Commons Commissioner