



In the Matter of The Green, Great Bowden,
Harborough, Leicestershire.

DECISION

This reference relates to the question of the ownership of land known as The Green, Great Bowden, Harborough, being the land comprised in the Land Section of Register Unit No VG 81 in the Register of Town or Village Greens maintained by the former Leicestershire 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 the former Market Harborough Urban District 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 Leicester on 14 June 1978.

At the hearing the Leicestershire County Council was represented by Mr E G Jones, solicitor.

The land comprised in the Register Unit consists of three island areas surrounded by roadways. On 9 October 1930 Mrs Martha Margaret Cooper Johnson gave to the former Urban District Council a receipt for the sum of £50 and an undertaking to execute any document necessary for effecting the transfer to the Council of her interest in the southernmost of the three island areas. There is no evidence that Mrs Johnson ever executed any such document and her present whereabouts are now unknown.

The equitable interest which the former Urban District Council so acquired was transferred to the County Council under the Local Government (England) (Property etc.) Order 1973 (S.I 1973, No 1861). However, proceedings under section 80 of the Act, of 1965 relate only to the fee simple interest in land. The fee simple of the southernmost of the three island areas remains in Mrs Johnson or her personal representatives or her or their assigns. Mr Jones was unable to adduce any evidence regarding this aspect of the matter or as to the ownership of the other two island areas.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Leicestershire County Council, as registration authority, to register the Harborough District 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 22nd day of

June

1978


CHIEF COMMONS COMMISSIONER