



In the Matter of Barony Park,
Nantwich, Cheshire

DECISION

This reference relates to the question of the ownership of land known as Barony Park, Nantwich being the land comprised in the Land Section of Register Unit No. VG 31 in the Register of Town or Village Greens maintained by the Cheshire 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 Crewe and Nantwich Borough Council ("the Borough Council") claimed to be the freehold owner of part of the land in question ("the Unit land") 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 Unit land at Chester on 25 July 1979.

At the hearing the Borough Council was represented by Mr A C Millard, Solicitor. Mr Millard produced a Conveyance on Sale dated 21 November 1944 between J R Johnson and another (1) and Nantwich Urban District Council (the Purchaser) (2) whereby a part of the Unit land lying to the north east was conveyed to the Purchaser: the Borough Council is the successor to the Purchaser. As to the part comprised in the Conveyance, I am satisfied that the Borough Council is the owner: as to the remainder of the Unit land, I am not satisfied that any person is the owner, and it falls to be vested in the local authority pursuant to Section 8(3) and (5) of the Act of 1965. It appears that the relevant local authority in this case is the Borough Council.

I shall accordingly direct the Cheshire County Council, as registration authority, to register Crewe and Nantwich Borough Council as the owner of the Unit land as to the part comprised in the Conveyance of 21 November 1944 under Section 8(2) of the Act and as to the remainder under section 8(3).

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 12 November 1979

L. J. Morris Smith

COMMONS COMMISSIONER