



In the Matter of Land in Racecourse Road,
Wilmslow, Cheshire

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 81 in the Register of Common Land 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 Mr Albert Jones claimed to be the freehold owner 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 26 July 1979.

At the hearing Mr D A C Spencer, Solicitor, appeared on behalf of the claimant. The following documents were produced:-

- (i) Deed of Gift dated 7 November 1935 Between Emmeline Cunliffe (1) Mabel F Cunliffe (2) by which property including the Unit land was conveyed to Mabel F Cunliffe
- (ii) Conveyance dated 15 June 1938 Between Mabel F Cunliffe (1) Arthur Hardy (2) by which the same property was conveyed to Arthur Hardy
- (iii) Assent by the Personal Representatives of Arthur Hardy in favour of Albert Jones of property described as 3 Lindew Common Cottages 95 Racecourse Road which it appears is a description of the property comprised in the Deed of Gift
- (iv) Conveyance dated 15 December 1978 Between Albert Jones (1) Hilda Jones his wife (2) by which the property comprised in the Deed of Gift except as to part was conveyed to Albert Jones and his wife as beneficial joint tenants. The part of the property excepted was conveyed by Albert Jones to a James Armstrong by a Conveyance dated 5 February 1945 (in the Assent apparently wrongly referred to as dated 5 January 1945) and was a part not including the Unit land.

On this evidence I am satisfied that Mr Albert Jones and Mrs Hilda Jones are the owners of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register them as the owners of the land under section 8(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

12 November

1979

L. J. Morris Smith

Commons Commissioner