



In the Matter of ⁴Land near Fishpool Inn,
Oakmere, 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 100 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 Vale Royal District Council and Oakmere Parish Council each 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 24 July 1979.

At the hearing, Mr T F Wakeford, Solicitor, appeared on behalf of Vale Royal District Council, and there were no other appearances.

Mr Wakeford produced the Delamere Award 1816-1817 by which a number of pieces of land were awarded to the Surveyors of the highways of the relevant townships for the purpose of getting stone and other materials. Lot 207 in the Award appears to correspond with the Unit land. By virtue of Sections 25(1) and 67 Local Government Act 1894 the Unit land vested in Northwich Rural District Council and Vale Royal District Council is its successor.

Accordingly I am satisfied that Vale Royal District Council is the owner of the Unit land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register the District Council as the owner 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

2nd October

1979

L. J. Morris Smith

Commons Commissioner