



COMMONS REGISTRATION ACT 1965

Reference No. 295/U/34

In the Matter of Overton Heath,
Overton, near Malpas, Chester
District, Cheshire

DECISION

This reference relates to the question of the ownership of land known as Overton Heath, Overton, near Malpas, Chester District being the land comprised in the Land Section of Register Unit No. CL 64 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 no person claimed to be the freehold owner of the land in question Malpas Parish Council said (their clerk's letter of 23 March 1979 that the land is outside their boundary) 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 Chester on 4 June 1980. The hearing was attended by Mr John Evans of Kidnell Grange, Malpas who is and has been for several years chairman of Overton Parish meeting.

Mr Evans said (in effect):- There are two ways across the land, one north-south and the other east-west; along these ways he and many others ride horse-back. The Parish Meeting would be concerned if somebody should claim ownership and try to fence the land or to prevent persons using the ways. In his view all the residents are concerned that the land should remain an open space for ever.

No ownership evidence was offered by Mr Evans or anyone else, so this registration, which was made on the application of Malpas Parish Council, may have the result wished for by the Parish Meeting and the residents. However this may be in the absence of any evidence I am not satisfied that any person is the owner of the land, 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 23rd —

day of June 1980

a. a. Basin *Full*

Commons Commissioner