



COMMONS REGISTRATION ACT 1965

Reference No. 5/U/33

In the Matter of The Green, Halton,
Cheshire

DECISION

This reference relates to the question of the ownership of land known as The Green, Halton, being the land comprised in the Land Section of Register Unit No. CL 33 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 a claim was made by the Duchy of Lancaster to be the freehold owner of the land in question ("the Unit Land") and following the withdrawal of the Duchy's claim, Greenall Whitley and Co. Ltd., ("G.W.") claimed 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 D B Mallard, of Counsel, appeared on behalf of G.W. He produced an examined abstract of the title of Sir Richard Brooke, culminating in a Vesting Deed dated 16 April 1926 in favour of Sir Richard as tenant for life under a Settlement of 1883. By a Conveyance dated 17 June 1927 (also produced) part of the settled land, including the Unit land, was conveyed on sale by Sir Richard to G.W.

On this evidence I am ~~am~~ satisfied that G.W. is the owner of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register G.W. 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 22nd August 1979

L. J. Morris Smith

Commons Commissioner