



In the Matter of The Quarry, Utkinton,
Cheshire

DECISION

This reference relates to the question of the ownership of land known as The Quarry, Utkinton being the land comprised in the Land Section of Register Unit No. CL 79 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 H Morrey on behalf of Utkinton Community Council claimed to be the freehold owner of the land in question and, as Clerk to Utkinton Parish Council, 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 24 and 25 July 1979.

At the hearing Mr D Snudden, the present Clerk to Utkinton Parish Council, appeared on its behalf and claimed ownership. It appeared from a letter written by the Parish Council in 1937/1938 that the Council let a portion of the Quarry at a nominal rent to a Mr Page, and there are references in the letter which suggest that there may at some time have been an Inclosure Award to the Council's predecessors in title. However, this may be, the Council Minute Book records that in May 1937 a Notice was erected on the Quarry stating that "this plot of land is the property of Utkinton Parish Council...": and in 1938 it was cleared by the Council, which has planted trees and put seats on the land, and has since continued to maintain it.

On this evidence I am satisfied that the Parish Council has acquired ownership of the land and I shall accordingly direct the Cheshire County Council as registration authority to register the Parish Council as the owner of the land under Section 3(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