



Reference No. 205/U/49

In the Matter of the recreational
allotment. Haughton Moss, Haughton,
Crewe and Nantwich Borough, Cheshire

DECISION

This reference relates to the question of the ownership of land known as the recreational allotment, Haughton Moss, Haughton, Crewe and Nantwich Borough being the land comprised in the Land Section of Register Unit No. VG 24 in the Register of Town or Village Greens 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 the Commons Open Spaces and Footpaths Preservation Society on whose application the registration was made, said (letters of 17 June and 1 July 1981) that the land was allotted and awarded to the Churchwardens and Overseers of the Poor of the Township of Haughton in an award dated 10 January 1859 for the inclosure of Haughton Moss, and that an a general rule the civil functions of the churchwardens and overseers of the poor were transferred to the appropriate parish council or parish meeting under the provisions of the Local Government Act 1894; and the Clerk of Haughton Parish Meeting said (letter of 23 August 1981) that the Parish of Haughton is the owner of the land. No other person claimed to be the freehold owner of the land in question or 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 2 February 1982. At the hearing Mr D A Rogers, chairman, Mr W W Barker former chairman and Mrs L Stanley clerk of Haughton Parish Meeting attended in person.

Mr Rogers reminded me that in the course of a hearing held by me on 4 June 1980, the 1859 Haughton Inclosure Award was produced by the County Archivist, see my decision dated 22 July 1980 reference 205/D/33. The land is now used for grazing cattle under an annual tenancy granted by the Parish Meeting to whoever then bids most.

Mr Barker who came to the Parish in 1924 when he was about 16 years old and had since lived there in the course of his evidence explained how it had been used and let (now at £28 a year paid to Mrs Stanley as clerk).

In my 1980 decision I recorded that under the 1859 Award this land had been allotted as above set out. The Local Government Act 1972 establishes a body corporate for every parish not having a separate parish council by the name of "the Parish Trustees" with the addition of the name of the parish. In my opinion this body corporate, being the proper body to hold land administered and managed by the parish meeting of such a parish, is the successor of the churchwardens and overseers of the poor of the Township of Haughton mentioned in the 1859 Award.

Upon the considerations above summarised, I am satisfied that the Parish Trustees are the owners of the land and I shall accordingly direct the Cheshire County



Council, as registration authority, to register the Parish Trustees of Haughton 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 this 26th — day of February — 1982

a. a. Baden Fuller

Commons Commissioner