



COMMONS REGISTRATION ACT 1965

Reference No.37/U/44

In the Matter of Land in Chailey Village,
Chailey, East Sussex.

DECISION

This reference relates to the question of the ownership of land in Chailey village, Chailey, being the land comprised in the Land Section of Register Unit No.CL 9 in the Register of Common Land maintained by the former East Sussex 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 and Mrs D.McLaren claimed to be the freehold owners of part of the land in question 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 Lewes on 30th November 1972 and 19th November 1974. Mr J.P.E.Barrett appeared for the Chailey Parish Council on both occasions. Mr McLaren appeared in person in 1972, but was unable to appear in 1974 on account of the indisposition of Mrs McLaren.

Mr Barrett informed me that he had no evidence as to the ownership of the land in question and that the Parish Council did not contest the claim made by Mr and Mrs McLaren.

At the hearing in 1972 Mr McLaren produced a conveyance made - June 1957 (stamped 5th June 1957) between (1) Hugh Carrington Doherty (2) Douglas Malcolm McLaren and Irene Muriel McLaren whereby Mr Doherty conveyed to Mr and Mrs McLaren two pieces or parcels of land situate at Chailey Green together with the messuage or tenement or buildings erected thereon or on some part thereof and known as "Beards" and for the purposes of identification delineated on the plan annexed thereto and coloured pink. Mr and Mrs McLaren have been in undisputed possession of the property so conveyed to them, but at the hearing in 1972 I was unable to identify any part of this property as being part of the land comprised in the Register Unit on account of the small scale of the extract from the Register Map with which I had been furnished. At the hearing in 1974 I was shown a map on a much larger scale which makes it quite clear that part of Mr and Mrs McLaren's property falls within the south-western corner of the land comprised in the Register Unit.

For these reasons I am now satisfied that Mr and Mrs McLaren are the owners of part of the land the subject of the reference, and I shall accordingly direct the East Sussex County Council, as registration authority, to register them as the owners of that part of the land which I shall indicate on a plan to be annexed to my direction under section 8(2) of the Act of 1965.



-2-

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land comprised in the Register Unit 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 17th day of December 1974

A handwritten signature in black ink, appearing to read 'G. J. Smith', written over a horizontal line.

Chief Commons Commissioner