



In the Matter of Lywood Common (part),
Ardingley, West Sussex.

DECISION

This reference relates to the question of the ownership of land known as Lywood Common (part), Ardingley, being the part of the land comprised in the Land Section of Register Unit No. CL 65 in the Register of Common Land maintained by the former East Sussex County Council and No. 318 in the Register of Common Land maintained by the West 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 R N S Clarke claimed to be the freehold owner of the land in question and the British Railways Board 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 17 December 1976.

At the hearing Mr Clarke was represented by his land agent, Major E H Stenhouse.

The land in question is a strip over a railway tunnel under Lywood Common. It was conveyed to the late Sir Ralph Stephenson Clarke on 29 April 1970. Sir Ralph died on 9 May 1970. His will was proved 10 June 1971. By it he left the land in question to Mr R N S Clarke and it vested in Mr Clarke by virtue of a vesting assent made 15 June 1972 by Robert Munn Stephenson Clarke, Simon Edward Stephenson Clarke, John Michael Blyth and Mark Gerald Edward North Buxton, the personal representatives of Sir Ralph Stephenson Clarke.

On this evidence I am satisfied that Mr R N S Clarke is the owner of the land, and I shall accordingly direct the West Sussex County Council, as registration authority, to register him 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

7th

day of February 1977

Chief Commons Commissioner