



In the Matter of Frankby Green, Wirral, Merseyside

DECISION

This reference relates to the question of the ownership of land known as Frankby Green, Wirral, being the land comprised in the Land Section of Register Unit No. CL.58 in the Register of Common Land maintained by the Merseyside 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 no person claimed to be the freehold owner of the land in question and no one 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 20 November 1984. At the hearing the Wirral Metropolitan Borough Council was represented by Mrs C Fraser, Solicitor.

The only evidence relating to the land in question adduced by Mrs Fraser was a deed made 23 September 1952 between (i) Sir Ernest Bland Royden, baronet (2) The Urban District Council of Hoylake in which it is recited that the land was believed to be waste of the manor of Frankby and by which Sir Ernest Royden agreed to consent to the execution of certain works and improvements on and to the land and the roadways abutting thereon.

Since there is no entry in the Rights section of the Register Unit, the land can only fall within the definition of "common land" in section 22 of the Act of 1965 by being waste land of a manor, but the 1952 Deed proves no more than that Sir Ernest Royden claimed to be the lord of the manor at that time and there is no evidence regarding the subsequent devolution of such right of ownership of the manorial waste as he may have had.

On this evidence I am not satisfied that any person is the owner of the land, 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

29th

day of

November 1984

Chief Commons Commissioner