



In the Matter of Puddy Dale, Wirral, Merseyside

DECISION

This reference relates to the question of the ownership of land known as Puddy Dale, Wirral, being the land comprised in the Land Section of Register Unit No.VG.26 in the Register of Town or Village Greens 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 Mr A E Nichols claimed to be the freehold owner of the land in question, and Mr A J Martin of the Charity Commission 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.

There was no appearance by or on behalf of Mr Nichols.

The land in question was awarded to the Church Wardens of Heswall and the Overseers of the Poor of the township of Heswall-Cum-Oldfield to be held by them and their successors in trust as a place of exercise and recreation for the inhabitants of the township and neighbourhood by the Heswall Hills Inclosure Award made on 28 October 1859 under the statute 8 & 9Vict, c 47.

The land was transferred to the newly-formed Heswall-with-Oldfield Parish Council by section 6 (1) (C) (iii) of the Local Government Act 1894. It was next transferred to the Wirral Urban District Council by the County of Chester Review Order 1933 and finally transferred to the Wirral Metropolitan Borough Council by the Local Authorities (England) (Property etc) Order 1973 (S.I.1973 No. 1861).

On this evidence I am satisfied that the Wirral Metropolitan Borough Council is the owner of the land, and I shall accordingly direct the Merseyside County Council, as registration authority, to register the Metropolitan Borough Council 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

29th

day of

November

1984

Chief Commons Commissioner