



COMMONS REGISTRATION ACT 1965

Reference No 276/U/69

In the Matter of the piece of land
called The Recreation Ground, Old
Churchstoke, Montgomery D.

DECISION

This reference relates to the question of the ownership of the piece of land known as Recreation Ground, Old Churchstoke, Montgomery D, being the land comprised in the Land Section of Register Unit No VG. 9(M) in the Register of Town or Village Greens maintained by the former Montgomeryshire 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 G G Morgan claimed to be the freehold owner 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 Welshpool on 10 December 1976.

Mr C W Bell appeared for Mr G G Morgan and produced a conveyance dated 28th January 1969 whereby the Churchstoke Parish Council conveyed the land in question to Mr Morgan pursuant to the power conferred upon the Council by a scheme established by the Secretary of State for Education and Science dated 13th January 1969. In this case which is on "all fours" with Unit No VG. 8(M) it is a matter for regret that the Registration in the Land Section was ever made, but that Entry being final I have no power to put the matter right.

On this evidence I am satisfied that Mr G G Morgan is the owner of that part of the land, identified as OS 518 and I shall accordingly direct the Powys County Council as registration authority, to register Mr G G Morgan as the owner of that part of the land under section 8(2) of the Act of 1965. As regards the remainder of the land in question OS 521 and OS 522 in the absence of any evidence I am not satisfied that any person is the owner of that land and I shall accordingly direct the Powys County Council to register Churchstoke Community Council as the owner of that land under section 8(3) 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 4th day of February 1977

C A. Seale

Commons Commissioner