



COMMONS REGISTRATION ACT 1965

Reference No.31/U/3

In the Matter of Weston Hill.  
Clee St. Margaret, Salop.

DECISION

This reference relates to the question of the ownership of land known as Weston Hill, Clee St. Margaret, being the land comprised in the Land Section of Register Unit No. CL.11 in the Register of Common Land maintained by the former Salop 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. L.R. Morgan claimed to be the freehold owner 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 Shrewsbury on 11th June 1974.

At the hearing Mr. Morgan was represented by Mr. P.J. Stewart. Mr. Morgan is the owner of Cold Weston Court and the land appurtenant to it, which he farms. The property was purchased by Mr. Morgan's grandfather in 1918 and is bounded on the south by a road. The land the subject of the reference lies to the south of the road opposite Mr. Morgan's property. Mr. Morgan claims to have acquired a possessory title to the land to the south of the road by virtue of having used it for grazing cattle and sheep and having taken bracken for bedding in the winter for the last 20 years. If this were the only evidence, it might well support Mr. Morgan's claim. However, on 13th December 1967 he applied to be registered as being entitled to graze 10 cattle and 20 sheep over the land in question. This registration was undisputed and became final on 1st October 1970. By section 10 of the Act of 1965 this registration is now conclusive evidence of Mr. Morgan's right of common as at the date of registration and nothing has happened since that date to extinguish his right. Since a right of common is a right exercisable over the land of another person, it follows, in my view, that Mr. Morgan cannot be the owner of the land over which he is entitled to the right which has been registered on his application.

There was no other evidence regarding the ownership of the land in question

In the absence of any such 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 27<sup>th</sup> day of June 1974

  
Chief Commons Commissioner