



COMMONS REGISTRATION ACT 1965

Reference No. 233/U/113

In the Matter of Church Eaton Common,
Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Church Eaton Common being the land comprised in the Land Section of Register Unit No. CL 98 in the Register of Common Land maintained by the Staffordshire 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 and Mrs Laudyr claimed to be the freehold owners 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 Stafford on 15 October 1980.

Mr and Mrs Laudyr appeared in person in support of their claim and Mr J E Buckler (The Chairman) appeared for Church Eaton Parish Council.

The question of the ownership of the Church Eaton Common was considered at a hearing on 11 January 1979 by J L Morris Smith Esq, a Commons Commissioner at Hanley, Stoke on Trent. His decision dated the 11 April 1979 under reference 233/U/75 was that he was not satisfied that any person was the owner of the land, which therefore remained subject to protection under section 9 of the Act of 1965. On that occasion ownership was claimed by Mr R S Cartwright and Church Eaton Parish Council but the former did not attend the hearing.

In 1975, Mr and Mrs Laudyr had purchased a property known as The Cottage, Eaton Green, Church Eaton from a Mr G H Hyde who had himself purchased in 1964. The Conveyance dated the 29 July 1975 was taken in the names of Mr and Mrs Laudyr and their two sons John Adrian and Stefan. Each of the parents had a 1/6th share and the two sons had 2/6ths each. Stefan Laudyr died intestate in 1975 and his 2/6ths share has now passed to his parents in equal shares. The Abstract of Title began with a Conveyance in 1930 and I am satisfied that the Laudyr family has a good title to the Cottage.

Mr Buckler stated that the Register Unit had not been listed as tenanted in 1800 and that the first edition of the O.S. showed it as Church Eaton Common. He was however, unable to challenge the title deeds produced by the Laudyr.

The Laudyr's produced a copy of the plan attached to the earliest decision on which the Register Unit is shown edged green and the limits of the Cottage edged red.



- 2 -

On this evidence I am satisfied that Jan Laudyr, Elizabeth Laudyr and John Adrian Laudyr are the owners of that part of the land edged green on the plan annexed hereto which lies within the red verge line on the said plan.

I shall accordingly direct the Staffordshire County Council, as registration authority, to register them as the owner of that part of the land under section 8(2) of the Act of 1965. I am not satisfied that any person is the owner of the rest of the land edged green as aforesaid and this part 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

5th

day of

November

1980

Commons Commissioner