



In the Matter of Wades Marsh and Waste in
in the Parish of North Ambersham (now
Fernhurst), Chichester D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 147 in the Register of Common Land maintained by the West Sussex 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 Mustafa Khar claimed to be the freehold owners of part of the land in question ("the Unit land"): 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 Unit land at Chichester on 9 June 1983.

At the hearing Mr D N Larke, Solicitor, appeared on behalf of the Claimants.

The Unit land is a narrow stretch running in a NW to SE direction from Valewood Park to the southern end of Wades Marsh. The part claimed is a strip of the rectangular section at the NW end of the Unit land - the section which, on the Register map, lies between Wadesworth Farm and the NW boundary of Lype Wood.

The claimed strip was included in the property conveyed by a Conveyance dated 8 July 1964 by Campbell T Ward to F G Lilleywhite and Lady Wight. Mr Lilleywhite died in 1979 and by a Deed dated 15 February 1980 Lady Wight appointed two additional trustees of the 1964 Conveyance, and she and the new trustees conveyed to Subiddu Mugie Ltd. the property comprised in the 1964 Conveyance. By a Conveyance dated 17 March 1982 the Subiddu company conveyed the same property to the claimants.

On this evidence I am satisfied that the claimants are the owners of the strip described above and I shall accordingly direct the West Sussex County Council, as registration authority, to register Mr and Mrs Mustafa Khar under section 8(2) of the Act of 1965 as the owners of the strip ie. the part of the Unit land comprised in the property delineated on the plan on the 1964 Conveyance. The remainder of the Unit land will remain subject to protection under section 9 of the Act.

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 28 July 1983

L. J. Morris Smith
Commons Commissioner