



Reference No. 205/U/53

In the Matter of Halton Common,  
Halton Borough, Cheshire

DECISION

This reference relates to the question of the ownership of land known as Halton Common, Halton Borough, Cheshire being the land comprised in the Land Section of Register Unit No. LC 34 in the Register of Common Land maintained by the Cheshire 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 no person claimed to be the freehold owner of the land in question and no 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 Cheshire on 2 February 1982. There was no appearance at the hearing.

I have a copy of a certificate of the result of an Official Search under the Land Registration Acts 1925 to 1966 made upon an application dated 7 March 1973 by Cheshire County Council. In this certificate it is said that this land "is registered freehold under Title No. CH 56212 (together with other land)."

In my opinion as a result of sub section (1) of section 8 of the 1965 Act, I have no jurisdiction on a reference such as I am now considering to investigate the ownership of land which has been registered under the said Acts of 1925 to 1966; see also section 12 of the 1965 Act and regulation 21 of the Commons Registration (General) Regulations 1966. But in case there is some part of the land in this Register Unit which is not so registered, I record that in the absence of any evidence I am not satisfied that any person is the owner of any such part of the land, and such part (if any such there be) 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 26<sup>th</sup> — day of February — 1982

a. a. Baden Fuller

Commons Commissioner