



COMMONS REGISTRATION ACT 1965

Reference No 5/U/27

In the Matter of Ten pieces of land
on the Beam Heath Estate, Nantwich,
Alvaston, Stapeley and Willaston,
Crewe and Nantwich BC

DECISION

This reference relates to the question of the ownership of ten pieces of land on the Beam Heath Estate, Nantwich, Alvaston Stapeley and Willaston, Crewe and Nantwich BC being the land comprised in the Land Section of Register Unit No CL. 24 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 the Trustees of the Beam Heath Estate 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 Chester on 25 January 1977.

Mr R Whittingham the clerk to the Trustees of the Beam Heath Estate appeared and he told me that he had held that office since 1945. The Beam Heath Estate was constituted by an act of Parliament in 1803; this Act was repealed and replaced by an Act of 1823. Mr Whittingham produced three Orders of Exchange dated respectively 18 February 1886, 22 November 1954 and 17 June 1959 whereby Trustees acquired lands identified by the plans on those Orders in exchange for other lands. Apart from the lands identified as aforesaid there is no documentary evidence that the remainder of the land in question forms part of the Beam Heath Estate. However Mr Whittingham told me that over the thirty year period during which he has been clerk to the Trustees they have received the rents and profits from the whole of the land in question and been in undisturbed possession of these lands.

For these reasons I am satisfied that The Trustees of the Beam Heath Estate are the owners of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register The Trustees of the Beam Heath Estate as the owners of the land under section 8(2) 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 21st day of February

1977

G. A. Jelle

Commons Commissioner