



COMMONS REGISTRATION ACT 1965

220/U/30

In the matter of land known as the  
Salt Marshes in the Parishes of  
Warton and Silverdale

DECISION

This reference relates to the question of the ownership of land known as the Salt Marshes in the Parishes of Warton and Silverdale being the part of the land comprised in the Land Section of Register Unit No. CL45 in the Register of Common Land maintained by the Lancashire 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 (i) Lancashire County Council (ii) Morecambe Bay Wildfowlers Association (iii) Messrs J & R J Wilkinson and (iv) Mr & Mrs R A Close claimed to be the freehold owners of parts 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 Lancaster on 16 June 1987.

Mr J A Strong appeared for Lancashire County Council, both in its capacity as registration authority and as a claimant. Mrs E Rudkin (Chairman) appeared on behalf of Warton Parish Council. Mr Michael Bates of Bannister Bates & Son of Morecambe and Heysham appeared for (i) Messrs R & R J Wilkinson (ii) as agents for Fell Kilvington & Co of Kirby Stephen for Morecambe Bay Wildfowlers Association and (iii) as agents for Oglethorpe Sturton & Gillibrand of Lancaster for Mr & Mrs R A Close. Mr J Day (Land Agent) appeared for Royal Society for the Protection of Birds.

The ownership of all this register unit west of the lines marked (i), AQPGB (ii) CD and (iii) ENF on the register map is already finally registered. This reference relates only to the land east of these three lines. In addition the part of the land "enclosed within the line L-M on the register map" is already finally registered in the name of the former Lancaster Rural District Council.

All the remainder of the land in this register unit is now claimed by Mr James Wilkinson and Mr Roger James Wilkinson ("the Wilkinsons") with the exception of four small or relatively small parcels. As to these parcels, the title of the present claimants is derived through the Wilkinsons or one of them, so that until the most recent document in each case the title is identical with that of the Wilkinsons.

Mr Bates supplied me with certified copies of the following Conveyances relating to the Wilkinsons' title:-

- i. 5th November 1931. (1) Carnforth Hematite Iron Company (1915) Limited in liquidation (2) Harold Hockley (3) James Fitzpatrick (4) Imperial and Foreign Corporation Limited and (5) Thos W Ward Limited.
- ii. 20th October 1975. (1) Thos W Ward Limited and (2) James Wilkinson.
- iii. 6th April 1977. (1) James Wilkinson and (2) the Wilkinsons.



The Conveyance of 1931 was a conveyance on sale which included the tract of land at Warton containing 300 acres or thereabouts delineated on Plan No. 3 annexed thereto and thereon edged red. The Conveyance of 1975 conveyed to James Wilkinson a parcel of land containing 275 acres or thereabouts, being the land delineated on the plan numbered 3 annexed to the 1931 Conveyance and thereon edged red, except for the land conveyed to the Lancaster Rural District Council by a Conveyance dated 14 June 1968. The latter is the part of the register unit in respect of which the former Lancaster Rural District Council is already finally registered as owner. The remaining 275 acres then passed to the Wilkinsons as tenants in common under the Conveyance of 1977.

Comparison of the plan No. 3 annexed to the 1931 Conveyance with the register map discloses two small variations. First, the line of the south-eastern boundary along the bank of the River Keer differs on the two drawings. Any discrepancy in this respect is however overcome by the note in the Land Section of the register, entered on the direction of the former Chief Commons Commissioner, Mr G D Squibb, that the south-east boundary of the register unit "is formed by the main channel of the River Keer (notwithstanding the position of the said channel may change from time to time .....)". Secondly, there is a quadrilateral of land, perhaps 2 acres in extent, alongside the railway line to the east of the unit land, which is included in the Wilkinsons' title but is not included in this register unit.

I was also supplied with copies of the following conveyances relating to the titles of the other claimants respectively:-

- i. Lancashire County Council. 25th June 1976. Conveyance by James Wilkinson to the Council of 1.8 acres or thereabouts.
- ii. Morecambe Bay Wildfowlers Association (a) 3rd April 1985. Conveyance by the Wilkinsons to the Association of two plots containing 2 and 3½ acres or thereabouts respectively; and (b) 31st December 1986. Conveyance by the Wilkinsons to the Association of 5½ acres or thereabouts.
- iii. Mr & Mrs R A Close. 27th October 1985. Conveyance by the Wilkinsons to Mr & Mrs Close of a plot of land adjoining the south-westerly boundary of the property known as Cote Stones.

Mr Bates also supplied me with a copy of a plan on the scale of 1:10,000 and numbered 1 showing (inter alia) the parts of this register unit and the neighbouring register units CL161 and CL233 claimed by his clients respectively. For convenience I propose to attach an uncoloured photocopy of this plan to this decision, and to identify on it various parts of the unit land to which the decision relates by inserting thereon the following numbers:-

- 1 and 2: The parcels conveyed by the Wilkinsons to the Wildfowlers Association.
- 3: The parcel conveyed by the Wilkinsons to Mr & Mrs Close.
- 4: The parcel conveyed by James Wilkinson to the County Council.

On this evidence I am satisfied that the following are the owners of the parts of this register unit specified against their names respectively:-

- i. Morecambe Bay Wildfowlers Association. The parcel numbered 1 on the plan annexed hereto and so much of the parcel numbered 2 as is within this register unit.



- ii. Mr Richard Alan Close and Mrs Gillian Joan Close. The parcel numbered 3 on the said plan.
- iii. Lancashire County Council. The strip of land numbered 4 on the said plan.
- iv. James Wilkinson and Roger James Wilkinson. All the remainder of this register unit in respect of which no other person is registered as owner.

I shall accordingly direct Lancashire County Council as registration authority to register them as the owners of the respective parts of the land referred to above 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

6<sup>th</sup>

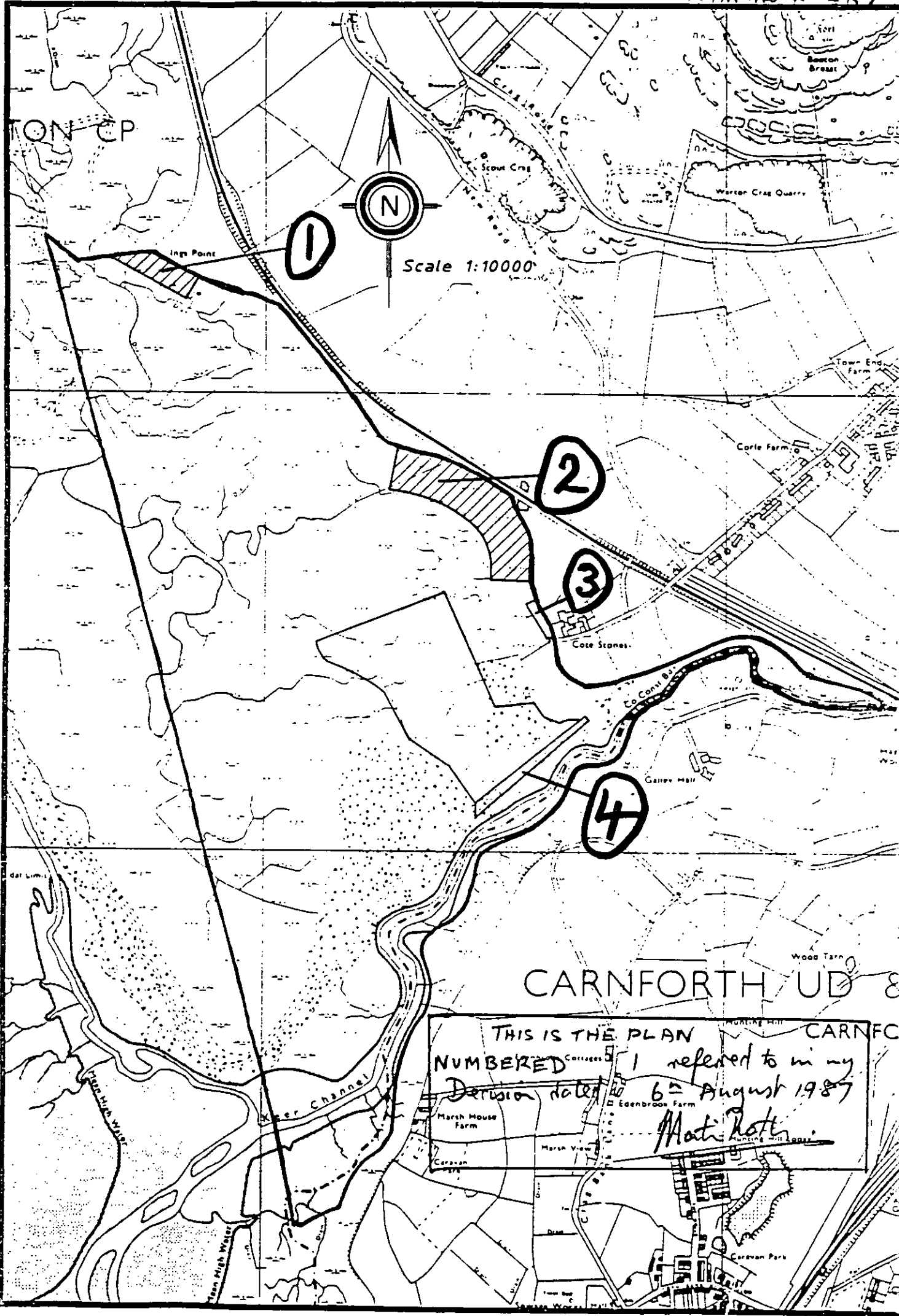
day of

August

1987

Walter Rott

Commons Commissioner



# CARNFORTH UD &

THIS IS THE PLAN NUMBERED 1 referred to in my Decision dated 6<sup>th</sup> August 1987  
*Maati Rother*