



COMMONS REGISTRATION ACT 1965

Reference No.31/U/14

In the Matter of Spoad Turbarry,
Clun, Salop.

DECISION

This reference relates to the question of the ownership of land known as Spoad Turbarry, Clun, being the land comprised in the Land Section of Register Unit No.CL.33 in the Register of Common Land maintained by the former Salop 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 Clun Parish Council claimed to be the freehold owner 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 Shrewsbury on 11th June 1974.

At the hearing the Parish Council was represented by Mr. T. Beardsley, a member of the Council.

This matter was referred under section 8 of the Act of 1965 on 24th September 1973. The reference contained a statement that a search at the Swansea Land Registry on 4th September 1973 revealed that the land had been registered under the Land Registration Acts 1925 and 1936. This being so, the land does not fall within section 8 of the Act of 1965. Mr. Beardsley said that it was the contention of the Parish Council that the land had been wrongly registered in the Land Registry. This, however, is a matter which is not within my jurisdiction. So far as I am concerned, while the land remains registered in the Land Registry I have no jurisdiction over it.

For these reasons I refuse to direct the Salop County Council, as registration authority, to register any person as the owner of the land under section 8 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 27th day of June 1974

Chief Commons Commissioner