



COMMONS REGISTRATION ACT 1965

Reference No. 31/U/11

In the Matter of The Old Race Course,
Oswestry Rural and Selattyn and
Gobowen, Oswestry D., Salop

DECISION

This reference relates to the question of the ownership of land known as The Old Race Course in the parishes of Oswestry Rural and Selattyn and Gobowen, Oswestry District being the land comprised in the Land Section of Register Unit No. CL.27 in the Register of Common Land maintained by the 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 Trustees of the Powis Estate claimed ownership of the land in question; no other person claimed to be the freehold owner of the land or 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 20 February 1975. At the hearing Mr. D.H.G. Salt solicitor of Salt & Son, Solicitors of Shrewsbury attended both on his own behalf and as representing Mr. G.C.A. Macartney and Mr. V.M.E. Holt.

Mr. Salt in the course of his evidence produced :- (1) a vesting deed dated 1 December 1926 declaring that 19,521 acres of land were then vested in the Rt. Hon. G.C. Earl of Powis ("the 4th Earl"); (2) probate dated 4 February 1953 (limited to settled land) of the will of the 4th Earl (he died 5 November 1952); (3) an assent dated 4 September 1956 by his personal representatives vesting 10,212 acres of land in the Rt. Hon. E.R.H. Earl of Powis ("the 5th Earl"); (4) a conveyance dated 10 November 1964 by the 5th Earl of the land comprised in the 1956 assent to him (Mr. Salt) and Mr. A.B. Thomas on trust for sale; and (5) an appointment of new trustees dated 3 August 1965 by which Mr. Macartney and Mr. Holt were appointed trustees of the said 1964 conveyance in the place of Mr. Thomas to act jointly with Mr. Salt. The 1926 deed included a piece of land: "(tenant) R.H. Mason: (description) Race Stands: (area) 33A. 2r. 21p". The 1956 assent included a piece of land: "(O.S. 1900 edition) 534, 578, 530, 579: (tenant) Messrs. G.E. & C.W. Mason: (description) The Race Course: (acreage) 31.752".

Mr. P.L. Marriott, chartered surveyor, who has been concerned with the Powis Estate since November 1952, having been the Agent successively of the 4th Earl, of the 5th Earl, and of the Trustees of the 1964 conveyance, said (in effect) :- The land ("the Unit Land") comprised in this Register Unit is known as "The Old Race Course"; he understood that it had ceased to be operational as a race course since 1918 (somebody present at the hearing suggested since 1821); it is now rough grazing and bracken, a public open space for people to walk on; it is subject to a scheme of management made by the Oswestry Rural District Council (since April 1974 the Council of the Borough of Oswestry), and its use is regulated by bye-laws. The



-2-

part ("the Claimed Part") claimed by the Trustees is the part (being a little more than half of the whole) in the Parish of Oswestry Rural, that is the part south of the boundary between this Parish and the adjoining Parish of Selattyn and Gobowen, such boundary being a little to the south of the road to Oswestry (B.4580). He identified the Claimed Part with the land described in the 1926 deed and the 1956 assent as the Race Course with an area of 31.752 acres.

On the evidence outlined above, I am satisfied that the Trustees are the owners of the Claimed Part and I shall accordingly direct the Salop County Council as registration authority to register Mr. Denis Hubert Geoffrey Salt of 10 Belmont Street, Shrewsbury, Mr. George Charles Anthony Macartney, D.S.O., C/o Salt & Son Solicitors, of 10 Belmont Street, Shrewsbury and Mr. Vesey Martin Edgar Holt of Orleton Hall, Wellington, Telford, Salop as the owners of the Claimed Part of the Unit Land under section 8 (2) of the Act of 1965. In the absence of evidence I am not satisfied that any person is the owner of the remainder of the Unit Land and such remainder will therefore, 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 this 10th — day of March — 1975

a. a. Baden Fuller

Commons Commissioner