

COMMONS REGISTRATION ACT 1965



Reference No. 238/U/48

In the Matter of Stedham Common,
Stedham, Chichester D

DECISION

This reference relates to the question of the ownership of land known as Stedham Common, Stedham, Chichester D, being the land comprised in the Land Section of Register Unit No CL 12 in the Register of Common Land maintained by the West Sussex 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 Mr John Howard claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

Mr Commissioner Settle held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 5 October 1979.

Mr John Howard appeared in person and produced a copy of a decision given by Mr Commissioner Baden Fuller relating to another part of Stedham Common Ref. 238/D/111. Mr Commissioner Baden Fuller accepted Mr Howard's title as proved to him, which is identical with the title to this Unit Land.

After the hearing and before he had given his decision Mr Commissioner Settle was informed that Mr John Moseley claimed to have a possessory title to a small part of the land comprised in the Register Unit and that Mr Howard did not raise any objection to this claim, being content to leave the matter to be determined by the learned Commissioner.

Before proceeding any further with the matter Mr Commissioner Settle was killed in a road accident on 29 November 1979, and I hereby direct under ref. 29 of the Commons Commissioners Regulations 1971 that these proceedings shall be continued by myself.

After considering a statutory declaration made by Mr Moseley, I am satisfied that Mr Moseley has a possessory title to a small area of land near Quags Corner, identified on a plan exhibited to his declaration.

On this evidence I am satisfied that Mr Howard and Mr Moseley are the owners of parts of the land I shall accordingly direct the West Sussex County Council, as registration authority, to register them as the owners of their respective parts 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

October

1980

Chief Commons Commissioner