



COMMONS REGISTRATION ACT 1965

Reference No. 205/U/27

In the Matter of Cuddington Waste,
Cheshire

DECISION

This reference relates to the question of the ownership of land known as Cuddington Waste, being the land comprised in the Land Section of Register Unit No. CL 95 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 there were claims to ownership by (1) Mr C.F Dickin, (2) Mr and Mrs P.J Summers, (3) Cuddington Community Council: ~~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 ("the Unit land") at Chester on 24 July 1979.

At the hearing Mr Dickin appeared in person and Mr J Southam, Solicitor, appeared on behalf of Mr and Mrs Summers. Mr W.E Lewis a member and representing Cuddington Parish Council also attended.

Mr Dickin withdrew his claim, and a claim to ownership was not maintained by the Parish Council.

Mr Southam produced two Conveyances on sale dated respectively 19 March 1956 and 26 March 1958 by G.H.V Wilbraham to E.G.G Wood. The first conveyance was of Delamere Manor and some 21 acres of land at Cuddington which included part - the north-western corner - of the Unit land. The second conveyance was of adjoining land comprising some 26 acres which included the remainder of the Unit land.

Mr Southam produced three further conveyances (1) dated 4 February 1963 whereby Mr E.G.G Wood sold and conveyed to Mrs G.M.J.G Wood property which included the Unit land, (2) dated 2 October 1967 whereby Mrs G.M.J.G Wood sold and conveyed to Mr P.J. Summers the property comprised in the 1963 Conveyance (3) dated 31 January 1974 whereby Mr P.J. Summers conveyed the same property to himself and his wife.

On this evidence I am satisfied that Mr and Mrs P.J. Summers are the owners of the land, and I shall accordingly direct the Cheshire County Council, as registration authority, to register them 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 22 August 1979

Commons Commissioner