



COMMONS REGISTRATION ACT 1965

Reference No. 233/U/37

In the Matter of Shoal Hill Common, Hatherton,  
South Staffordshire District, Staffordshire

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DECISION

This reference relates to the question of the ownership of land known as Shoal Hill Common, Hatherton, South Staffordshire District being the land comprised in the Land Section of Register Unit No. CL. 66 in the Register of Common Land maintained by the Staffordshire 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 Shoal Hill Common Joint Committee claimed that South Staffordshire District Council and Cannock Chase District Council are the owners of the land in question as successors of Cannock Rural District Council and Cannock Urban District Council who became joint owners under a conveyance dated 23 March 1961, and this claim was in subsequent letters confirmed by both District Councils. 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 Stafford on 10 February 1976. At the hearing (1) Hatherton Parish Council, on whose application the registration was made, were represented by Mr J B Haynes their vicechairman and Mrs B J Dunn one of their members, (2) South Staffordshire District Council were represented by Mr A Roebuck their clerk and chief executive, and (3) Cannock Chase District Council were represented by Mr T W Badgery their assistant solicitor.

Mr Roebuck who from 1967 was the clerk of the former Cannock Rural District Council in the course of his evidence produced: (1) a conveyance dated 23 March 1961 by which the Church Commissioners of England as Lords of the Manor of the Deanery of Wolverhampton conveyed to the Rural District Council of Cannock and the Urban District Council of Cannock the open and unenclosed land known as Shoal Hill Common which premises were delineated on the attached plan and contained about 181.03 acres; (2) a copy of the Scheme on 22 November and 3 December 1918 approved by Cannock Rural District Council and the Board of Agriculture and Fisheries for the regulation of Shoal Hill Common; (3) a copy of the Byelaws made and approved on 19 December 1919 and 28 February 1920 under the Scheme; (4) the deposited plan mentioned in the Scheme.

Under the  
Commons  
Act 1899.

Mr Roebuck said (in effect):- The common has been managed by the Shoal Hill Joint Committee, being members (about 5 altogether) of the two owner Councils; he had been secretary of the Committee since 1967; the Committee met about twice a year. The Committee employed a part-time warden to supervise the Common. The Common is



open heathland; the trees are mostly silver birch, with some oak; the Common is well used by persons from both Cannock and South Staffordshire. The Committee have made on it a gravel-surfaced car park, and recently at the cost of about £4,000 constructed on it some new public conveniences.

Mr Badgery produced a lease dated 22 May 1919 by which the Ecclesiastical Commissioners for England demised Shoal Hill Common to Cannock Rural District Council and Cannock Urban District Council from 25 December 1918 for 99 years at a yearly rent of £1. The 1961 conveyance was expressed to be subject to this lease.

There was some discussion as to the plot ("Plot 175") which is on the plan attached to the 1961 conveyance numbered 175 and marked as containing .268 acres, and as having a small building on its west side. Plot 175 is not, although the remainder of the land ("the Unit Land") comprised in this Register Unit is, included in the land delineated on the plan attached to the 1961 conveyance. Nobody present at the hearing suggested any explanation of this omission, or gave any information as to the difference if any between Plot 175 and the remainder of the Unit Land, and no such explanation or information has (pursuant to a liberty which I granted at the hearing) since the hearing been sent to the office of the Commons Commissioners.

On the evidence outlined above, particularly the 1961 conveyance, I am satisfied that the two District Councils are the owners of all the Unit Land except Plot 175, and I shall accordingly under section 8(2) of the Act of 1965 direct Staffordshire County Council as registration authority to register South Staffordshire District Council and Cannock Chase District Council as owners of the land comprised in this Register Unit except the part on the Ordnance Survey map numbered 175 and marked as containing 0.268 acres. As to Plot 175, in the absence of any evidence about it particularly, I am not satisfied that any person is the owner of ~~the land~~ it, and it will therefore be subject to protection under section 9 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 29<sup>th</sup> day of March —

1976

*C. A. Baden Fuller*

Commons Commissioner