



COMMONS REGISTRATION ACT 1965

Reference No. 233/D/33-34

In the Matter of the area of land known as Elford Heath in the Parish of Eccleshall in the County of Stafford

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership Section of Register Unit No. CL 29 in the Register of Common Land maintained by the Staffordshire County Council and is occasioned by the conflicting registration at Entry No. 2 in the Ownership Section of Register Unit No. CL 29 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Stafford on 15 October 1980. The hearing was attended by Mr P W Smith, an Assistant Land Agent, employed by Messrs Smith Gore of Newport, Salop, appeared for the Church Commissioners who had applied to be registered as owners of the whole of the registered unit. Mr Howells a Solicitor, with Stafford Borough Council appeared for his Council whose predecessor Stone Rural District Council had applied to be registered as owners of the ~~larger~~ of the two ^{larger} triangular areas of land lying to the south of the smaller triangular area of land.

Mr Smith produced a letter dated 14 October 1980 and signed by a Mr D J Harvey from the Church Commissioners to Messrs Smith Gore and Company, which stated that the Church Commissioners registered ownership of part of Elford Heath (Register Unit No. CL 29) on the grounds of their being Lords of the Manor of Eccleshall. The Manor was vested in the Commissioners on 19 October 1867, (being formerly part of the Lichfield Bishopric Estates) by virtue of the Ecclesiastical Commissioners Act 1860. Mr Smith called no further evidence.

Mr Howells deduced titled in Stone Rural District Council to that part of the Registered Unit to which the Council had applied to be registered as owner. The Abstract of Title contained a reference to the ~~decision~~ ^{deed} of the Bishop of Lichfield and recited a Conveyance of the Registered Unit by the Ecclesiastical Commissioners within four years of the date of vesting.

The fact that the Church Commissioners were unaware of the disposal of the land claimed by the Borough Council casts doubt on the claim made in the letter by Mr Harvey. As Mr Smith admitted the title of the Borough Council, I gave Mr Smith an opportunity of an adjournment to obtain further evidence, but he declined.

For these reasons I refuse to confirm the registration at Entry No. 1 and I confirm the registration at Entry No. 2. *The land to which the Registration at Entry No. 1 relates will remain subject to protection under Section 9*
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

5/65

day of

Newcastle
Langford

1980

Act
9/85