



In the Matter of Whipsnade Heath, Whipsnade,
Bedfordshire

DECISION

This reference relates to the question of the ownership of land known as Whipsnade Heath, Whipsnade, being the land comprised in the Land Section of Register Unit No. CL 4 in the Register of Common Land maintained by the Bedfordshire 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 C W Bates and Mr H J Stanbridge each claimed to be the freehold owner of the land in question 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 at Bedford on 7 July 1982.

At the hearing Mr Stanbridge was represented by Mr P E Creed, solicitor, and the South Bedfordshire District Council by Mr G S Blakey, solicitor, Mr Bates appeared in person, and the County Council was represented by Mr E Lander, an administrative assistant in the County Secretary's office.

The Ownership section of the Register Unit contained two provisional regulations in respect of the whole of the land comprised in the Register Unit, one made on the application of Mr Bates and the other on the application of Mr H J Stanbridge and Mr V S Stanbridge (now deceased). The dispute occasioned by the resulting conflict was referred to Mr Commissioner Baden Fuller, who after inquiring into the matter decided that neither of the registrations in the Ownership section had been properly made. At the same time the learned Commissioner decided to confirm with modifications registrations in the Rights section of the Register Unit made on the applications of Mr Bates and of Mr H J Stanbridge and Mr V S Stanbridge. There then being no subsisting registration in the Ownership section, it became the duty of the County Council to make the present reference.

Mr Bates claimed to be entitled to the land as waste of the manor of Whipsnade, and Mr Stanbridge claimed to be entitled to it as waste of the manor of Shortgrove with an alternative claim to a possessory title, in support of which Mr Stanbridge gave evidence. It is apparent from Mr Commissioner Baden Fuller's decision that the cases argued before me did not differ in any material respect from those argued before him. So far as I am aware, it has never been decided whether the doctrine of res judicata is applicable to decisions of Commons Commissioners, but it is not necessary for me to express any view on that point, since I find myself in entire agreement with Mr Commissioner Baden Fuller's decision.

I am accordingly not satisfied that any person is the owner of the land, and it will therefore remain 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

16~~th~~

day of

July

1982

Chief Commons Commissioner