



COMMONS REGISTRATION ACT 1965

Reference Nos. 3/D/25
3/D/26
3/D/27
3/D/28

In the Matters of (i) land on either side of the Fingest-Stokenchurch road and east of St. Bartholomew's Church and (2) the Pound in Fingest Manor, both in Fingest and Lane End, Wycombe R.D., Buckinghamshire

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section (3/D/25) and at Entry No.1 in the Ownership Section (3/D/26) of Register Unit No.CL.18, and at Entry No.1 in the Land Section (3/D/27) and at Entry No.1 in the Ownership Section (3/D/28) of Register Unit No.CL.17 in the Register of Common Land maintained by the Buckinghamshire County Council and are occasioned by Objection No.20 (relating to CL.18) and Objection No.19 (relating to CL.17) made by Mr. John L. Garton and noted in the Register on 19 October 1970:

I held a hearing for the purpose of inquiring into these disputes at Aylesbury on 28 November 1973. The hearing was attended by Mr. Brian Kelsey Edgley in person (the said entries had been made pursuant to applications made, as regards the Land Section by him and, as regards the Ownership Section by him and his father Mr. Roy Walter Kelsey Edgley), and by Mr. Garton in person; the County Council were represented by Mr. C. D. Durrant.

Both ownership registrations showed Mr. R. W. K. Edgley and Mr. B. K. Edgley as owners (registration provisional). The said Objection No.20 related to a strip of land shown coloured pink on the annexed plan, being a small part, and at the north end of that one of the two pieces comprising the land in Register Unit No. CL.18, which is situate on the west side of the Fingest-Stokenchurch road. The said Objection No.19 related to the whole of the land comprised in Register Unit No.CL.17.

Before the hearing there had been sent to the Clerk of the Commons Commissioners three applications which purported to be made under regulation 31 of the Commons Commissioners Regulations 1971 and which had been signed by or on behalf of Mr. B. K. Edgley, Mr. Garton, the County Council, the Rural District Council and the Parish Council. No action could be taken on these applications, because they in effect asked for entries in the Ownership Section which would if made either relate to land which had ceased to be registered under the 1965 Act or to land the title to which had been registered under the Land Registration Acts 1925 and 1936. Further the applications had not been signed by or on behalf of Mr. R. W. K. Edgley.

At the hearing Mr. B. K. Edgley and Mr. Garton both requested me to give such decision as is hereinafter contained.



I can I think give effect to this request in the absence of Mr. R. W. K. Edgley, because Mr. B. K. Edgley told me that he had under a conveyance made by his father after the registrations were made, acquired all his interest in these lands, and because I have a letter dated 22 August 1973 which was sent by Mr. B. K. Edgley to the Office of the Commons Commissioners and which was endorsed in the handwriting of Mr. R. W. K. Edgley: "I approve the within written agreement, R. W. K. Edgley 22/8/73"; this letter refers to the conveyance of the father's interest and sets out agreed terms to which the decision requested would give effect.

Mr. Garton said that his children Messrs. I. L. Garton, C. E. Garton and R. F. Garton were registered at H.M. Land Registry as proprietors with an absolute title of freehold land known as Fingest Manor under Title No. BM.37018, and that this freehold land (about 12½ acres) included (i) the said strip of land coloured pink on the plan annexed to the Objection (a very narrow strip of roadside verge) and included also the land comprised in Register Unit No. CL.17 (an old pound, square shaped and fenced in, and the land between it and the road). Mr. Garton's statement was confirmed by a photographic copy of the Land Registry Certificate which had been sent to the County Council by Thornton Baker & Co. (Mr. Garton's accountant) with a letter dated 26 November 1973 and which was produced by Mr. Durrant.

That the County Council, the Rural District Council and the Parish Council have no objection to my giving effect to the request made to me by Mr. B. K. Edgley and Mr. Garton may be deduced from the said three purported applications under regulation 31.

For the above reasons, I confirm the registration at Entry No. 1 in the Land Section of Register Unit No. CL.18 with the modification that there be removed from the register the strip of land which is on the west side of the Fingest-Stokenchurch road and which is shown coloured pink on the sketch plan B annexed to Objection No. 20 and noted in the Register on 19 October 1970, I confirm the registration at Entry No. 1 in the Ownership Section of the said Register Unit with the modification that to the expression "The whole of the land comprised in this register unit" in column 4 of the said Entry shall be added: "(Not including the land removed from the register by the modification which took effect when the registration at Entry No. 1 in the Land Section became final)", I confirm the registration at Entry No. 1 in the Land Section of Register Unit No. CL.17 without any modification, and I refuse to confirm the registration at Entry No. 1 in the Ownership Section of the said last mentioned Register Unit.

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 3rd day of December 1973.

A. A. Baden Fuller

Commons Commissioner