

In the Matter of Maphill Common, Hughenden BucksDECISION

These disputes relate to the registration at Entries Nos 7 to 27 in the Rights Section of Register Unit No. CL.63 in the Register of Common Land maintained by the Bucks County Council and are occasioned by Objection No. 111 made by Sir Francis Dashwood and noted in the Register on 25 July 1972.

I held a hearing for the purpose of inquiring into the disputes at Aylesbury on 24 April 1979. The hearing was attended by Mr H E Zorab of the firm of Smith-Woolley and Co, Chartered Surveyors, on behalf of Sir Francis Dashwood; Mr A Hiblock, Solicitor, of the firm of Winter Taylor Woodward and Webb on behalf of Mr A G Foster (Right No. 8) and Mr Durant, of the Registration Authority. Apart from Mr A G Foster, none of the applicants for ~~the~~ registration (or their successors) attended.

In all cases the ground of the objection was that the rights do not exist.

1. In six of the cases there are agreements by the parties concerned in the form of signed requests, and I shall give effect to these requests: and accordingly:
  - (a) I confirm the registration at Entry No. 27
  - (b) I refuse to confirm the registration at Entries Nos 7, 18 and 25
  - (c) I confirm the registrations at Entries Nos 8 and 11 with the modification set out in the Schedule below.
2. In four cases, there being no agreement and no appearance or evidence to support the registrations, I refuse to confirm them—namely the registrations at Entries Nos. 9 10 13 and 26.
3. The Objection to Entry No. 12 was withdrawn, and I accordingly confirm its registration.
4. As regards the remaining Entries (viz: Nos 14 to 17 and 19 to 24), it appeared from Mr Zorab's records and letters on the Registration Authority's files that there were negotiations in 1978 culminating in some cases in agreement, in others something approaching agreement, all on the same lines viz: that the grazing rights should be withdrawn but that the rights to estovers and fire~~note~~ should remain. Mr Zorab on behalf of the Objector was prepared to accept the rights with modifications in accordance with these arrangements, and there being no appearances or evidence to support the existence of the rights registered, I think the right course is to confirm the registrations with the appropriate modifications (as specified in the Schedule): and this I do.



SCHEDULE

Rights confirmed with modifications

Rights Section Entries Nos	Modifications in Column 4
8 11 14 15 16 17 19 20 21 22 23 24	Delete existing particulars and substitute "a right of estovers and a right of <del>fine</del> <sup>fine</sup> bote exercisable over the whole of the land comprised in this 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 31<sup>st</sup> day of May 1979

*L. J. Morris Smith*  
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 Commons Commissioner