



COMMONS REGISTRATION ACT 1965

Reference No. 204/D/54

In the Matter of Ailsworth Heath, Ailsworth,
Cambridgeshire (No. 2)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 92 in the Register of Common Land maintained by the Cambridgeshire County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL 49 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Cambridge on 18 February 1982. The hearing was attended by Mr J Hardwick, Solicitor, on behalf of Milton (Peterborough) Estate Company, the successor in title of the Church Commissioners for England, the applicants for the registration, and by Mr E Hudson, the Clerk of the Ailsworth Parish Council, the applicant for the conflicting registration.

The application for the registration was dated 7 June 1968 and is stamped as having been received on 24 June 1968. On receiving the application the former Huntingdon and Peterborough County Council, then the registration authority, allotted to it under reg. 9(1) of the Commons Registration (General) Regulations 1966 (S.I. 1966 No. 1471) the distinguishing number 93. The application for the conflicting registration was dated 24 June 1968 and is stamped as having been received on the following day. This application had allotted to it the distinguishing number 113.

The land sought to be registered by application No. 113 included some of the land the subject of application No. 93 and some land which was not the subject of the latter application.

The registration in respect of application No. 93 was not made until 23 July 1970, and the Register Unit constituted under reg. 10(2) of the Regulations of 1966 in respect of it was allotted under reg. 10(5) the distinguishing number CL 92. Meanwhile, the registration in respect of application No. 113 had been made on 30 August 1969, and the Register Unit constituted in respect of it had been allotted the distinguishing number CL 49.

While it is unfortunate that the registrations were not made in the order in which the applications were received, there is nothing in the Regulations of 1966 which made this mandatory, so it cannot be said that either registration was invalid. However, in making the second registration, i.e. that which is the subject of this dispute, on 23 July 1970 the former County Council by registering again the land which had already been registered on 30 August 1969 failed to comply with section 4(4) of the Commons Registration Act 1965. If the former County Council had complied with Section 4(4), there would have been no conflict between the two registrations.

The failure of the former County Council to comply with Section 4(4) has thus generated an entirely fictitious dispute with its consequential paper-work.



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Fortunately, no permanent harm has been done, since I can rectify the second registration by confirming it with the following modification:- namely, the exclusion of the land comprised in Register Unit No. CL 49, which I accordingly do.

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

30th

day of

March

1982

A handwritten signature in black ink, appearing to read 'J. S. Quibb', with a horizontal line underneath.

Chief Commons Commissioner