



COMMONS REGISTRATION ACT 1965

Reference No.204/D/10

In the Matter of Barway Common,
Soham, Cambridgeshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No.CL 75 in the Register of Common Land maintained by the former Cambridgeshire and Isle of Ely County Council and is occasioned by Objection No.70 made by Mr S.J.Randall and noted in the Register on 29th October 1970.

I held a hearing for the purpose of inquiring into the dispute at Cambridge on 22nd October 1975. The hearing was attended by Mr G.F.Taylor, solicitor, on behalf of the County Council, the registration authority having made the registration without application, and by Mr A.M.T.Rose, solicitor, on behalf of the Objector.

There is no entry in the Rights section of the Register Unit, so that any rights of common which may formerly have been exercisable over this land have now ceased to be exercisable by virtue of section 1(2)(b) of the Commons Registration Act 1965. Mr Taylor said that he could not contend that this was waste land of a manor not subject to rights of common, so that, following the decision of Goff J. (as he then was) in Central Electricity Generating Board v. Clwyd County Council (1975), 235 Estates Gazette 299, I can only hold that the land does not fall within either limb of the definition of "common land" in section 22(1) of the Act of 1965.

In these circumstances I refuse to confirm the registration.

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 12th day of November 1975

Chief Commons Commissioner