



COMMONS REGISTRATION ACT 1965

Reference No. 204/D/28-29

In the Matter of Land comprising Stetchworth Heath
County Primary School Stetchworth, East Cambridge D.

DECISION

These disputes relate to the registration at Entry No 3 in the Land Section and Entry No 3 in the ownership section of Register Unit No. CL.1 in the Register of Common Land maintained by the Cambridgeshire and Isle of Ely County Council and are occasioned by Objection Nos 41 and 42 both made by the Cambridgeshire and Isle of Ely County Council and both noted in the Register on 24 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Cambridge on 27 June 1978. The hearing was attended by Mr K Sawyers assistant Secretary to the Cambridgeshire County Council and by Mr L G Warren in person.

Mr Warren registered this land and other land as common land, but he withdrew his registration as regards the other land leaving this small parcel of land to be the subject of a test case.

Mr Warren stated that Magna Carter provided that the boundaries of Reach are preserved for ever and that if there are wars between kingdoms they will eventually be returned to their original boundaries. He further stated that Count Allen of Reach was murdered in the year 1349 and he claimed ownership as successor to Count Allen. Mr Warren told me that if his claim to ownership was successful he intended to vest the land in the Crown and that he had written to Her Majesty to that effect. If I correctly understood Mr Warren's argument, and I am not sure that I did, it was to the effect that neither the Crown nor Parliament had power to depart from the provisions of Magna Carter and that for this reason neither its laws of England nor any titles to land in Reach acquired in accordance with those laws had any effect in Reach which he said comprised Mercia and East Anglia. I pointed out to Mr Warren that his registration were made in accordance with the Act of 1965 and that my sole jurisdiction was to give a decision in accordance with that act. The land is not subject to common rights. Mr Midee Farrar the County Archivist gave evidence that by an Inclosure Award of 1820 it was allotted to Richard Easton and was conveyed by the Earl of Ellesmere to the Local Authority on 1 October 1976, and has been part of the School premises ever since. It is plainly neither waste nor parcel of a manor and therefore not common land as defined by the Act of 1965. Mr Warren accepted that my sole duty was to decide whether the land is common land as so defined and for the reason given above I have come to the conclusion the land is not common land and I refuse to confirm the Entry in the Land Section. Having refused to confirm the Entry in the Land Section there is no necessity for me to express any view on the question of ownership.



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, 17th day of November 1978

C. A. Little

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Chief Commons Commissioner