



COMMONS REGISTRATION ACT 1965

Reference No.204/D/39 and 40

In the Matter of Pound and Green
Alconbury Weston Huntingdon D

DECISION

This dispute relates to the registration at Entry No. 44 in the Land Section and No.3 in the Ownership section of Register Unit No.CL.44 in the Register of Common Land maintained by the former Huntingdon and Peterborough County Council and is occasioned by Objection Nos 54 and 55 both made by G Mack and I Trajbar and noted in the Register on 10 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Huntingdon on 28 June 1978. The hearing was attended by Miss Sheila Cameron instructed by Messrs. Winters appeared for the objectors and Mr Godfrey of Messrs. Day and Son appeared for the Alconbury Weston Parish Council.

Miss Camerons objection was the part of the unit land being OS No.138. There being no Entries in the Rights Section and Mr Godfrey having no evidence that the land the subject of the objection was parcel of a manor, such land is clearly not common land as defined in Section 22 of the Act of 1965. Miss Cameron claimed to have a paper title to the land the subject of the objection and Mr Godfrey having inspected her Deeds conceded that he would find it difficult to contest the paper title. Since I have come to the conclusion that OS 138 is not common land I say nothing as to the ownership of that land.

As regards the remainder of the land Mr Godfrey said that the Parish Council had no paper title but stated that the lord of the manor had agreed to give it to the Parish Council. In these circumstances I am prepared to confirm the Entry at No.44 in the Land Section modified by the exclusion of OS. 138. If the Parish Council own the land it cannot be waste of a manor and therefore cannot be common land, and I refuse to confirm Entry No. 3 in the Ownership Section. If the Parish Council can procure the Lord of the Manor to perfect his gift before I give my direction I am prepared to reopen the hearing.

Miss Cameron invited me to make an award of costs and having indicated that I would make an award she said her clients would be satisfied with £50 which Mr Godfrey agreed was an acceptable figure. I have however to award costs otherwise than in accordance with a taxation and if she fails to recover £50 she may apply for an order for costs.



2

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

20th

day of

July

1978

A handwritten signature in cursive script, appearing to read 'J. A. Lett'.

Commons Commissioner