



COMMONS REGISTRATION ACT 1965

Reference No. 204/D/23

In the Matter of Westside Common, Godmanchester
Hunts D.

DECISION

This dispute relates to the registration at Entry Nos 2 4 8 37 41 42 and 43 in the Rights section of Register Unit No. CL.15 in the Register of Common Land maintained by the former Huntingdon and Peterborough County Council and is occasioned by Objection No. 29 made by the Borough of Huntingdon and Godmanchester and noted in the Register on 28 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Huntingdon on 28 June 1978. The hearing was attended by Mr P Petty of Messrs. Hunnybun and Sons on behalf of the Freemen of Godmanchester and Mr Hough of Messrs. Winters on behalf of Huntingdon D.C.

The objection was that the common was not subject to any rights of piscary or estovers. Many of the commoners who claimed such rights had signed acknowledgements that they are not entitled thereto and no commoner who had claimed such rights appeared to support his claim.

For this reason I refuse to confirm the claims to rights of piscary and estovers, and I confirm all the provisional Entries in the Rights Section modified so as to exclude all rights of piscary and estovers.

In the course of the hearing Mr Goulty whose Entry at No.5 in the Rights Section is final for a right to graze 2 cattle or 1 horse and 3 sheep during the stated periods addressed me. When I assured him that his registration was final and that he could graze his 2 cattle or 1 horse, Mr Petty suggested that this was not so. Having indicated to Mr Goulty what in my view is his right I feel that while I appreciate that what I am about to say is obiter I should place on record my view that since his unambiguous Entry is final and is by reason of Section 10 of the Act of 1965 conclusive evidence of the matters registered his right is not subject to any qualification. His Entry could have been the subject of an objection that the right should be qualified, I find it difficult to appreciate what useful purpose the Rights Section of a Register will serve if reliance cannot be placed on unambiguous Entries. I stress that these observations are obiter and cannot be the subject of a Case Stated. The point having arisen in the course of the hearing that I should place on record the view which I expressed at the hearing.

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 this 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

Commons Commissioner