



COMMONS REGISTRATION ACT 1965

Reference Nos. 210/D/501-505

In the Matter of Ailwood Down,
Corfe Castle, Purbeck D

DECISION

These disputes relate to the registrations in the three sections of Register Unit No. CL 138 in the Register of Common Land maintained by the Dorset County Council. They are occasioned by Objections Nos. 1038 and No. 1224 made by H J R Bankes and No. 1185 and No. 1184 made by D C D Ryder, all of which were noted in the Register on 21 August 1972. The registrations objected to were made (a) at Entry No. 1 in the Land Section in consequence of an application by R G Smith to register rights (and there was a supporting application by the Ramblers Association), (b) at Entry No. 1 in the Rights Section on the application of R G Smith (c) at Entry No. 1 in the Ownership Section made on the application of J C D Ryder and B G D Ryder.

I held a hearing for the purpose of inquiring into the dispute at Poole on 29 October 1980. The hearing was attended by Mrs B Davis, the daughter of R G Smith (now deceased) and representing his personal representatives: by Mr N Lock, Agent for Kingston Lacy Estates, representing Mr Bankes: and by Mr H J S Clark representing the three Messrs Ryder.

It appears that the land comprised in the Register Unit ("the Unit land") was until 1979 settled land, of which D C D Ryder ("Dudley") was tenant for life and the three Ryders were the trustees. The registration as owner should have been of Dudley and it is agreed between Messrs Ryder that the existing registration in the Ownership Section (to which Objection Nos. 1224 and 1184 relate) cannot stand. By a Conveyance dated 26 March 1979 made between (1) Dudley (2) The Trustees (3) H J R Bankes, there was conveyed to Mr Bankes the part of the Unit land which is edged red on my copy of the register map ("the red area").

As regards Objection Nos. 1038 and No. 1185 (relating to Entry No. 1 in the Land and Rights Sections) it has been agreed between the parties appearing or represented that the red area should be confirmed as common land and Mr R G Smith's entry in the Rights Section confirmed in respect of the red area. As regards the remaining part of the Unit land - the part at the western end ("the western area") of which Dudley is owner as tenant life - it is agreed that the Rights Entry should not apply. There was no suggestion or evidence that the western area is waste land of the manor and in the absence of any right of common over it, the objections succeed in relation to that area.

In the result (1) I confirm the registration at Entry No. 1 in the Land Section, modified so as to exclude from the land the western area, (2) I confirm the registration at Entry No. 1 in the Rights Section without modification (the extent of the right will of course be affected by the exclusion of the western area from the Unit land), (3) I confirm the registration at Entry No. 1 in



the Ownership Section with the modification that in column 3 there be substituted for the names and addresses there set out the name and address of Mr Bankes.

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 13 November 1980

L. J. Morris Smith

Commons Commissioner