



COMMONS REGISTRATION ACT 1965

Reference No. 10/D/10

In the Matter of Poor Lot Common,
Powerstock, Dorset (No.1)

DECISION

This dispute relates to the registration at Entry No.25 in the Land Section of Register Unit No. C.L.26 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No.67 made by the Chief Civil Engineer of British Railways (Western Region) and noted in the Register on 13th January 1971.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 11th May 1972. The hearing was attended by Mr. John Shoobridge, the Chairman of the Powerstock Parish Council, and by Mr. A.J. Soane, a member of the staff of the Objector.

Mr. Shoobridge informed me that the Parish Council, which had made the registration, did not now wish to support it, and he produced the minute book of the Council containing the minute of a resolution to that effect passed on 31st January 1972. Mr. Shoobridge also produced an affidavit by Mr. Trevor Keith, a Deputy Charity Commissioner.

The land the subject of this reference was allotted to the Churchwardens and Overseers of the Poor of the parish of Powerstock as a fuel allotment for the labouring poor of the parish by an Inclosure Award dated 8th April 1863 made under the Act 24 Vict., c.1.

Since the land was allotted by the Inclosure Award, any pre-existing rights of common must have been extinguished: see Booker v. James (1968), 19 P. & C.R. 525. There is no evidence that any rights of common have since been acquired by virtue of the Prescription Act 1832. The fact that the land was allotted also precludes the possibility of its now being waste land of a manor.

For these reasons 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 30th day of May 1972


Chief Commons Commissioner