



COMMONS REGISTRATION ACT 1965

Reference No. 10/U/5

In the Matter of The Tree Ring,
Church Road, Iwerne Minster, Dorset.

DECISION

This reference relates to the question of the ownership of land known as The Tree Ring, Church Road, Iwerne Minster, being the land comprised in the Land Section of Register Unit No. C.L.30 in the Register of Common Land maintained by the Dorset County Council, of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Iwerne Minster Parish Council claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Dorchester on 12th May 1972.

At the hearing Mr. Geoffrey Spencer, the Clerk of the Parish Council, stated that the Council claimed a possessory title to the land the subject of this reference. Mr. Spencer, who was born in Iwerne Minster and is now 58 years of age, stated that in 1919 the late Mr. Ismay, who was lord of the manor, built a ring of stones on the land, which adjoins the highway, and planted trees within it, thus adding to the amenities of the village. Mr. Ismay died in 1930 and the estate was sold, but Mr. Spencer had no knowledge as to whom, if anybody, this land was conveyed. Since 1930 the Parish Council has maintained the trees, their stone surround and the land on which they stand. Mr. Spencer produced receipts showing that the Parish Council had paid for the cutting of the grass from the Common Good Fund since as early as 1936.

I find myself unable to hold that the Parish Council has been in adverse possession of this land. It is not capable of any beneficial use and enjoyment, so that nothing which the Parish Council has done can be said to have been inconsistent with the rights of the true owner, whoever he may be.

For these reasons I am not satisfied that any person is the owner of the land, and it will therefore fall under protection by virtue of section 9 of the Act of 1965.

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