



COMMONS REGISTRATION ACT 1965

Reference Nos. 213/D/61-62

In the Matter of Buckstone Common
comprising Staunton Meend, Little
Meend and Hymens Meend, Staunton
Forest of Dean D

FIRST DECISION

This dispute relates to the registration at Entry No. 1 in the Land section and Entry Nos. 1 to 5 inclusive in the Rights section of Register Unit No. CL 298 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No. OB 671 made by the Minister of Agriculture Food Fisheries and Food for Forestry Commission and noted in the Register on 6 March 1973.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 17 October 1978. The hearing was attended by Mr C Pickles of Messry Gwynn James & Co on behalf of Staunton Parish Council, Mr C E C Woolley on behalf of the Minister and Mr Haines in person.

Mr Woolley accepted that the land is common land and invited me to confirm, not only the Entry in the Land Section, but also Entry No. 3 in the Rights Section and also by agreement with Mr Haines, Entry No. 5 in the Rights Section, modified so as to limit Mr Haines grazing right, to the right to graze one pony. I confirm these Entries as stated above.

The applicants for Rights under Entry Nos. 2 and 4 did not appear and I was told they had left the district and withdrawn their applications. I therefore refuse to confirm Entry Nos. 2 and 4 in the Rights Section. As regards Entry No. 1 in the Rights Section, Mr Woolley stated that it was the intention of the Minister to convey the freehold of the land to the Parish Council. In the circumstances, Mr Woolley and Mr Pickles agreed that the convenient course would be to adjourn the consideration of Entry No. 1, Reference No. 213/D/52 to be listed together with an unclaimed land reference. If, when those two references are heard the Parish Council has become the owner of the land, it will, on any view not have any common rights and assuming it can prove its title derived from the Minister, I will then refuse to confirm the Entry No. 1 in the Rights Section, but will direct the Registration authority to register it as the owner of the land.

Will Mr Pickles please notify the office of the Commons Commissioners, when the unclaimed land reference, which Mr Linbrick, on behalf of the Registration authority agreed to proceed with, will be ready for 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 the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

7th November

day of

1978

Commons Commissioner