



COMMONS REGISTRATION ACT 1965

Reference No.21/D/5

In the Matter of School Lane and the area
by the tree, Queniborough, Leicestershire

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.26 in the Register of Common Land maintained by the Leicestershire County Council and is occasioned by Objection No.34 made by the County Engineer and Surveyor and noted in the Register on 2nd November 1970.

I held a hearing for the purpose of inquiring into the dispute at Leicester on 9th October 1973. The hearing was attended by Mr. A.B. Kidger, the Chairman of the Queniborough Parish Council, which applied for the registration, and by Mr. Watson, solicitor, on behalf of the County Council.

The grounds of the objection were that part of the land in question was a highway, known as School Lane, and that the remainder formed part of another highway, known as Main Street. Evidence was given by Mr. R.J. Ash, the County Council's Area Surveyor for the North-Eastern Area and Dr. L.A. Parker, the County Archivist, which satisfies me that the objection is well-founded. There is, however, an even more fundamental defect in this registration, since the land does not even prima facie fall within the definition of "common land" in section 22(1) of the Commons Registration Act 1965. Mr. Kidger did not contend that the land is manorial waste, but sought to support the registration on the ground that the villagers have used it freely for meetings and recreational purposes in general: he described it as a "focal place". Such uses of land cannot be described as rights of common, so the registration cannot be supported.

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 13th day of October 1973


Chief Commons Commissioner