



COMMONS REGISTRATION ACT 1965

Reference No.26/D/29

In the Matter of land in Weston,
in the parish of Weston and Weedon,
Northamptonshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.15 in the Register of Common Land maintained by the Northamptonshire County Council and is occasioned by Objection No.14 made by J. G. Mawle and noted in the Register on 19th October 1970.

I held a hearing for the purpose of inquiring into the dispute at Northampton on 21st July 1972. The hearing was listed for the preceding day; no person entitled to be heard attended either on that day or the day of the hearing.

The land was registered as common land pursuant to an application dated 29th April 1968 and made by the Weston and Weedon Parish Council. The said objection was dated 30th September 1970 and the grounds of objection were stated as follows:-

"(9B Note 3). Access for 4 Helmdon Rd, Weston not allowed for on registration plan hatched red attached".

From the reference to the notes on the form, I read these grounds of objection as a contention that the land hatched red is not common land and should therefore be excluded from the registration.

Mr. Mawle's solicitors in a letter dated 31st May 1972 and sent to the Clerk of the Commons Commissioners stated that it was not his intention to attend or be represented at the hearing, that he did not claim ownership of the registered land but did claim a right of way over the same in order to gain access to the dwelling house owned by him known as "Lyndean" 4 Helmdon Road, Weston, that this right of way is the only access to the property and has been enjoyed since the property was built many years ago and certainly upwards of 20 years and that the land hatched red on the objection plan was the access which he claims.

Even if Mr. Mawle has a right of way such as is claimed in the letter of 31st May 1972, such right is not, I think, inconsistent with the land being "Common Land" within the meaning of the Act. Accordingly I conclude that his objection is not well founded. However my decision will not, I think, affect any right of way he may have; regulation 24 of the Commons Registration (General) Regulations 1966 is or may be applicable to such right.

The registration so far as it relates to another part of the land comprised in this Register Unit was the subject of a dispute (reference 26/D/2 as regards such dispute I gave a decision dated 18th July 1972 refusing to confirm the registration so far as it relates to such part.



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But for the objections which occasioned the dispute with which I am now dealing and the other dispute (26/D/28) above mentioned, the registration of the land would under section 7 of the Act have become final. Accordingly, I can I think, notwithstanding that I had at the hearing before me no evidence, properly conclude that the land should (except as regards the part dealt with in my decision of 18th July 1972) remain registered as common land.

For these reasons, I confirm the registration with the modification: the land described in the appendix to my said decision dated 18th July 1972 (being the part of the registered land the subject of such decision) to be removed from the register.

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.

a. a. Baden Fuller

Dated this 18th day of September 1972

Commons Commissioner