



COMMONS REGISTRATION ACT 1965

Reference No. 29/D/24

In the Matter of The Dew Pond, Chinnor Hill
in the Parish of Chinnor, Oxfordshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.80 in the Register of Common Land maintained by the Oxfordshire County Council and is occasioned by Objection No. 99 made by Mr F.C. Atton and noted in the Register on 23 June 1972.

I held a hearing for the purpose of inquiring into the dispute at Oxford on 29 October 1974. The hearing was attended by Mr J. Wilson and Mr P.H. Merrow-Smith respectively the chairman and clerk of the Chinnor Parish Council and by the objector, Mr F.C. Atton.

There was produced on behalf of the Parish Council an Enclosure Award dated 1854 whereby two ponds of which the land in question is one were "set and appointed" as public ponds. In my view the appointment of the pond in question as a public pond did not create any common rights but dedicated to the public the right to use the pond.

I have considered whether it is open to me to put a narrow construction on the word "public" but a perusal of the whole award which, discontinued public roads and ways, set out and appointed "public Carriage Roads or Highways, public Driftways Bridle Ways and Footways and private carriage and occupation Roads" in my view precluded any narrow construction. The word "public" in the context of a "public pond" must in my view have the same meaning as it has in the context of a "public carriage road" or "public footway" and public rights are not rights of common as defined in the Commons Registration Act 1965.

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 5th day of November 1974

C. A. Settle

Commons Commissioner