



COMMONS REGISTRATION ACT 1965

Reference No.32/U/46

In the Matter of Lower Ropes Drove, Jane's Drove,
Higher Ropes Drove, East Drove, Summerclose Drove,
and Head Drove, Catcott, Somerset.

DECISION

This reference relates to the question of the ownership of land known as Lower Ropes Drove, Jane's Drove, Higher Ropes Drove, East Drove, Summerclose Drove, and Head Drove, Catcott, being the land comprised in the Land Section of Register Unit No.CL 53 in the Register of Common Land maintained by the former Somerset 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 no person claimed to be the freehold owner of the land in question and no one 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 Taunton on 25th March 1975.

At the hearing Mr P.M.Boyce, solicitor, appeared for Mr H.W.Durston, whose registration of a right of common of pasture over part of the land in question was undisputed. Mr Boyce suggested that Mr Durston might have acquired a possessory title to the land over which he has a right of common. Since it is not possible for a man to have a right of common over his own land and since the registration of Mr Durston's right has become final, it appears to me that a claim to ownership by him must be unsustainable.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under 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 14th day of April 1975

Chief Commons Commissioner