



COMMONS REGISTRATION ACT 1965

Reference No. 238/U/45

In the Matter of Gunshot Common, Loxwood,
West Sussex

DECISION

This reference relates to the question of the ownership of land known as Gunshot Common, Loxwood, being the land comprised in the Land Section of Register Unit No. CL 51 in the Register of Common Land maintained by the West Sussex 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 Mr and Mrs M J C C Rutherford claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership.

Mr Commissioner Settle, Q.C., held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 4 October 1979, but died without having given his decision. In pursuance of reg. 29 of the Commons Commissioners Regulations 1971, I held a further hearing at Chichester on 12 May 1980.

The land comprised in the Register Unit was formerly part of the waste lands of the manor of Bury held by the trustees of the Duke of Norfolk's settled estates. After the sale of the Duke's rights as lord of the manor in 1932, the northern part of the land passed by divers mesne assignments to Mr and Mrs Rutherford by a conveyance made 26 May 1978 between (1) John Harris Backes and Ian Glyn Lewis (2) Michael John Cloete Crawford Rutherford and Angela Mary Rutherford.

On this evidence I am satisfied that Mr and Mrs Rutherford are the owners of the part of the land conveyed to them and I shall accordingly direct the West Sussex County Council, as registration authority, to register them as the owners of that part of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder 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

5th

day of

June

1980

Chief Commons Commissioner