



In the Matter of land at East Lane,
Ruscombe, Berkshire

DECISION

This dispute relates to the registration at Entry No. 1 in the land section of Register Unit No. CL 168 in the Register of Common Land maintained by the Berkshire County Council and is occasioned by Objection No. 154 made by Mr J N Sheffield and noted in the Register on 16 February 1971.

I held a hearing for the purpose of inquiring into the dispute at Windsor on 13 December 1978. The hearing was attended by Commander D B Cairns, the Honorary Secretary of the Twyford and Ruscombe Residents Association, the applicant for the registration, and by Mr A J Southorn, Solicitor, on behalf of Mr A Godsal, on whose behalf Mr Sheffield made the Objection.

There being no entry in the Rights Section of the Register Unit, the land comprised in the Register Unit can only fall within the definition of "Common Land" in Section 22(1) of the Commons Registration Act 1965 if it is waste land of a Manor.

The land in question, with other land, was vested in Mr Godsal's father by a vesting deed made 1 July 1926 between (1) Bertram Erasmous Philipps, Philip Godsal, and Richard Peacock Birchenough (2) William Charles Godsal. The parcels of this vesting deed did not include the lordship of any manor. The deed therefore shows that if this land ever was waste land of a manor, its ownership was severed from the lordship of the manor on or before 1 July 1926. I am therefore bound by the decision of the Court of Appeal in Box Parish Council v Lacey (1978) The Times, 26 May to hold that the land is not waste land of a manor and therefore not Common Land as defined in the Act of 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

1st

day of

February

1979

Chief Commons Commissioner