



COMMONS REGISTRATION ACT 1965

Reference No.204/D/8

In the Matter of Broad Piece,Soham, Cambridgeshire.DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No.CL 30 in the Register of Common Land maintained by the former Cambridgeshire and Isle of Ely County Council and is occasioned by Objection No.79 made by Mr E.W.West and noted in the Register on 2nd February 1972.

I held a hearing for the purpose of inquiring into the dispute at Cambridge on 22nd October 1975. The hearing was attended by Mr G.F.Taylor, solicitor, on behalf of the County Council, the registration authority having made the registration without application, and by Mr A.J.H.Grain, land agent, whom I heard on behalf of the Objector.

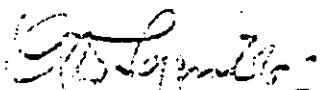
The land comprised in the Register Unit is a long piece of land having an area of 8.199 acres or thereabouts, and the Objection relates to a very small part of it at its south-eastern end.

There is no entry in the Rights section of the Register Unit, so that any rights of common which may formerly have been exercisable over this land have now ceased to be exercisable by virtue of section 1(2)(b) of the Commons Registration Act 1965. Mr Taylor said that he could not contend that this was waste land of a manor not subject to rights of common, so that, following the decision of Goff J. (as he then was) in Central Electricity Generating Board v. Clwyd County Council (1975), 235 Estates Gazette 299, I can only hold that the land does not fall within either limb of the definition of "common land" in section 22(1) of the Act of 1965.

However, since the Objection relates to only a part of the land comprised in the Register Unit I have decided to regard the major part of the registration as being unopposed and to confirm the registration with the following modification:- namely the exclusion of the land the subject of the Objection.

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 31st day of October 1975.


Chief Commons Commissioner