



In the Matter of Various Droveways,
Sutton, Cambridgeshire

DECISION

This reference relates to the question of the ownership of various droveways containing 62.550 ac. or thereabouts, Sutton, being the land comprised in the Land Section of Register Unit No. CL 73 in the Register of Common Land maintained by the Cambridgeshire 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 Cambridge on 26 May 1983.

At the hearing the Sutton Parish Council was represented by Mr P Read, its Chairman, and the Sutton Drove Committee or Ten Men by Mr L Read, its Chairman.

The Sutton Drove Committee or Ten Men applied for the registration of a right not attached to land to graze 100 cattle, horses or sheep at all times of the year over the whole of the land comprised in the Register Unit. The registration of this right being undisputed, it became final on 1 August 1972.

The existence of such a right is inconsistent with ownership of the land over which it is exercisable. Mr L Read produced the minute books of the Drove Committee for the period from 1872 to 1981. These showed that the droveways used to be let for grazing, the rents being received by the Committee. While the receipt of rents and profits is in general evidence of the ownership of land, this is not so when the receiver is entitled to a right of common. The owner of a right to graze a certain number of animals not attached to land is not obliged to exercise that right by grazing his own animals; he is entitled, if he so desires, to graze other people's animals and to charge the owners for the grazing.

I am therefore not satisfied that the Committee is the owner of the land in question.

Mr J M Farrar, the Cambridgeshire County Archivist, informed me that the tithe apportionment and the Land Values Duties register showed "Sutton Parish", the Overseers of Sutton, and "Sutton Pasture" as the owners of some of the droveways, but I cannot on this evidence find that any person is the owner of any of these droveways at the present time.

In the absence of any other 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.



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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

21st

day of

June

1983

Chief Commons Commissioner