



COMMONS REGISTRATION ACT 1965

Reference No. 210/D/466

In the Matter of Boys Wood,
Wimborne St Giles, Wimborne D

DECISION

This dispute relates to the registration at Entry No. 265 in the Rights Section of Register Unit No. CL 114 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 323 made by Robert Thorne Ltd and noted in the Register on 9 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Poole on 28 October 1980. The hearing was attended by Mr Harrington of the firm of Withers, Solicitors, appearing on behalf of the Objector.

The Entry in the Rights Section is of rights of estovers and was made on the application of the Misses Jackson. The Objection was made by the Objector as freehold owner and on the ground that no such rights exist and none have been exercised during the Objector's ownership and occupation of the land. The Misses Jackson did not appear and had written in 1973 to say that they did not propose to pursue their claim. In these circumstances I refuse to confirm the registration.

Mr Harrington asked me to consider an application by his client to object to the registration as common land. The case he wished to make was that there being now no registered rights of common, the land could only qualify for registration as common land if it were waste land of the manor: and that since by a Conveyance dated 30 July 1951, the land had been conveyed to his client by the Shaftesbury Estates Company, but his client had never acquired the lordship of the manor, the land could not have been waste land of the manor at the date of registration (see Re Box Hill Common 1979 2 WLR 177). This may well be so, but there being before me no objection to the registration in the land section, I do not consider I have any jurisdiction to give a decision on this matter. Had I thought otherwise, I would not have thought it right to deal with the matter until due notice had been given to the Ramblers Association which was an applicant for registration of the land as Common Land.

I would add that it may be possible for the Objector to have the matter dealt with by an application under Section 13 of the Act of 1965 and the Regulations made under that Section (S.1. 1966 No. 1471 Part V).

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 13 November 1980

L. J. Harris Smith
 Commons Commissioner