



COMMONS REGISTRATION ACT 1965

Reference No. 10/U/15

In the Matter of Knighton Common,  
Winfrith Newburgh, Dorset

DECISION

This reference relates to the question of the ownership of land known as Knighton Common, Winfrith Newburgh, being the land comprised in the Land Section of Register Unit No. C.L.98 in the Register of Common Land maintained by the Dorset 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. John Kilpatrick, of Gibraltar Cottage, East Knighton, claimed to be the freehold owner of the land in question and no other person 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 Dorchester on 12th May 1972.

There was no appearance at the hearing. In his letter claiming the land, which is next to his house, Mr. Kilpatrick stated that he had been using the land for 16 years and that he had made the road through it during that time and would not like anybody to block his right of way. I can only observe that there is an inherent inconsistency in this claim, for if Mr. Kilpatrick has a right of way over the land, the land must belong to some other person. Mr. Kilpatrick sent a further letter to the Clerk of the Commons Commissioners, in which he said that he claimed squatter's rights, having used the land for 15 years. I cannot accept this letter as admissible evidence. In the absence of such evidence, I am not satisfied that any person is the owner of the land, and it will accordingly fall into protection under section 9 of the Act of 1965. For the avoidance of doubt, I should add that this decision has no effect upon any right of way to which Mr. Kilpatrick may be entitled.

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 30th day of May 1972

*G. S. Quinton*  
Chief Commons Commissioner