



COMMONS REGISTRATION ACT 1965

Reference No. 210/U/39

In the Matter of Stephens Castle,
Verwood, Wimborne District, Dorset

DECISION

This reference relates to the question of the ownership of land containing about 1.91 acres known as Stephens Castle, Verwood, Wimborne District, Dorset, being the land comprised in the Land Section of Register Unit No. CL 77 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 Verwood Parish Council said (letter dated 14 August 1979) that Wimborne District Council had purchased approximately 50 acres including the land in question and enclosed a copy of the conveyance plan; and Wimborne District Council claimed (letter of 12 November 1979) to be the freeholders. No other person claimed to be the freehold owner of the land or 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 Poole on 18 June 1980. At the hearing Wimborne District Council were represented by Mr R J Laugharne, a solicitor with the Council.

Mr Laugharne produced a Charge Certificate from which it appeared that under Title No. DT61278 Wimborne District Council were on 22 May 1979 registered under the Land Registration Acts 1925 to 1971 with an absolute title as the proprietors of land which included the land in question.

If the land had been registered under the 1925 to 1971 Acts before 9 September 1977 (the date of this reference) it would have been clear from section 3 of the 1965 Act that I could not properly give any decision as to ownership. Section 12 of the 1965 Act provides what a registration authority is to do if land is registered under the 1925 to 1971 Acts after some person has under the 1965 Act been registered as owner. Although nothing in the 1965 Act expressly provides what the registration authority is to do if after a reference and before the hearing under it the land is registered under the 1925 to 1971 Acts, from regulation 21 of the Commons Registration (General) Regulations 1966 and the general scope of the 1965 Act, I consider it follows that I should under this reference express no opinion as to ownership, leaving the registration authority to act under the said regulation 21.

For the above reasons my decision is that I have no jurisdiction to say whether I am or am not satisfied about the ownership of the land.

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 10th _____ day of July _____ 1980

A. A. Baker

Commons Commissioner