

COMMONS REGISTRATION ACT 1965



Reference No. 210/U/93

In the Matter of Throop Heath, Affpuddle,
Dorset

DECISION

This reference relates to the question of the ownership of land known as Throop Heath, Affpuddle, being the land comprised in the Land Section of Register Unit No. CL 264 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 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 Dorchester on 6 March 1984.

At the hearing Commander R H C Fetherstonhaugh Frampton was represented by a surveyor, who had not been provided with any evidence of title to the land in question. However, since there was no other claimant present or represented at the hearing, I have considered the documents subsequently produced without reopening the hearing.

The land the subject of the reference was included in the parcels of a vesting deed made 4 January 1928 between (1) John Shevard Reeve and William King Fare (2) Harry Rupert Fetherstonhaugh Frampton. Mr H R Frampton died on 8 January 1955, and letters of administration of his estate limited to settled land were granted to Capt. Henry William Newman Fare on 23 July 1955. By an assent made 16 April 1958 Capt. Fare assented to the vesting of the land in question in Commander Frampton. By a conveyance made 29 September 1972 between (1) Roger Henry Charles Fetherstonhaugh Frampton (2) Mary Bridget Fetherstonhaugh Frampton, Phillippa Edith Hobbs, Jonathan Mansfeldt Findlay, and Simon Charles Spencer the land in question was vested in Miss Frampton, Mrs Hobbs, Commander Findlay and Mr Spencer.

On this evidence I am satisfied that Miss Frampton, Mrs Hobbs, Commander Findlay and Mr Spencer are the owners of the land, and I shall accordingly direct the Dorset County Council, as registration authority, to register them as the owners of the land under section 8(2) of the Act of 1965.

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

May

1984

Chief Commons Commissioner