



COMMONS REGISTRATION ACT 1965

Reference Nos. 29/D/39, 40. and 41.

In the Matter of Kingswood Bottom,
Stonefield, West Oxfordshire D.

DECISION.

These disputes relate to the registrations at Entry No.1 in the Land section and Entry Nos 1 and 2 in the ownership section of register unit No. CL.55 in the register of Common Land maintained by the Oxfordshire County Council and is occasioned by Objection No.3 made by the Trustees of the Blenheim parliamentary Estate and noted in the register on 14th October 1968 and the conflicting registrations at entries Nos. 1 and 2 in the ownership section of the said register unit.

I held a hearing for the purpose of inquiring into the ^{sc}dispute at Oxford on 11th June 1975.

Mr. Hedley Marten counsel instructed by Messrs. ^{Wilkes} Wilton & Co., solicitors for the Blenheim Estate Trustees and Mr. L.G. Willey, Chairman of the Stonefield Parish Council appeared.

Mr. Willey at the outset conceded that the Parish had no evidence in support of its claim to ownership and Mr. Marten produced the enclosure award made pursuant to an Act of Parliament passed in 1801 whereby the land in question was allotted to the Duke of Marlborough.

Mr. Willey however endeavoured to support the entry No.1 in the Land section of the Register.

There are no entries in the Rights Section of the Register and the land in question can only be common land if at the date of registration it was "waste land of a manor not subject to rights of common".

A close inspection of the said Enclosure Award revealed that two categories of allotments were made to the Duke of Marlborough one as Lord of the Manor and the other to him in his personal capacity "in lieu of and for all his rights and interests in and over the said lands and grounds by the said Act directed to be divided and enclosed". The land in question was in the second of these two categories and it therefore ceased to be "manorial land" on the date when the Enclosure Award took effect.

The land is not subject to rights of common, nor is it waste land of a manor and it does not therefore come within the definition of common land in section 22 (1) of the Commons Registration Act 1965.

For this reason I refuse to confirm the entry at No.1 in the Land section of the Register.



Since the land in question is not common land there is no occasion for me to give a decision on the question of ownership but since Mr. Willey did not admit the title of the Blenheim Estate Trustees I think it appropriate to say that I am satisfied that they are the owners of the land in question.

It was agreed between Mr. Willey on behalf of Stonesfield Parish Council and Mr. Marten that the Parish Council should make an agreed contribution towards the costs of the Blenheim Estate Trustees and for this reason I make no order as to costs.

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 11th day of July 1975.

C. A. Lettle

Commons Commissioner.