



COMMONS REGISTRATION ACT 1965

Reference No.2/U/60

In the Matter of The Stone Pit,
Cumnor, Oxfordshire.

DECISION

This reference relates to the question of the ownership of land known as the Stone Pit, Cumnor, being the land comprised in the Land Section of Register Unit No.CL 42 in the Register of Common Land maintained by the former Berkshire 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 Merton College, Oxford 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 Oxford on 7th October 1975.

At the hearing Merton College, Oxford was represented by Mr R.B.C.Hodgson, its land agent, who stated that the College's claim to ownership was not being pursued, and the Cumnor Parish Council was represented by Mr F.H.G.Cheeseman its Chairman.

The land in question was allotted as a public stone pit by the Inclosure Award made 7th April 1820 under the Cumnor and South Hinksey Inclosure Act of 1814 (54 Geo.III,c.cl) and vested in the Surveyors of the Highways of the parish of Cumnor. The property of the Surveyors of Highways was transferred to the Abingdon Rural District Council by sections 25(1) and 67 of the Local Government Act 1894. It would have been open to the Rural District Council to desire the former Berkshire County Council to take over the stone pit under section 118(1)(b) of the Local Government Act 1929, or under section 234(1)(ii) of the Highways Act 1959, but in the absence of any evidence of the expression of such desire I can only assume that the pit remained vested in the Rural District Council until 1st April 1975, when it was transferred to the Vale of White Horse District Council under the Local Government Act 1972 and Part 2 of Schedule 4 to the Local Authorities (England) (Property etc) Order 1973 (S.I.1973, No.1861).

On this evidence I am satisfied that the Vale of White Horse District Council is the owner of the land, and I shall accordingly direct the Oxfordshire County Council, as registration authority, to register the District Council as the owner 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 30th day of October 1975

Chief Commons Commissioner