

COMMONS REGISTRATION ACT 1965



Reference No. 34/0/70

In the Matter of Blackheath Common, Wenhaston,
Suffolk, (No. 3)

DECISION

This reference relates to the question of the ownership of land known as Blackheath Common, Wenhaston, being the land comprised in the Land Section of Register Unit No. CL 132 in the Register of Common Land maintained by the former Suffolk 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 Ipswich on 20 January 1982.

At the hearing the Wenhaston Parish Council was represented by Mrs L M Spindler, one of its members, and by Mr J Margaron, Solicitor, on behalf of the Lord of the Manor of Thorington Wimples cum Wenhaston.

This reference was made by the former East Suffolk County Council on 28 September 1973. It was, however, premature, since the registration in the Land Section of the Register Unit was the subject of disputes occasioned by conflicting registrations in the Land Sections of Register Units Nos. VG 44 and VG 45. This not having been noticed, the late Mr Commissioner Settle held a hearing into the question of the ownership of the land in question on 11 January 1979 and was not satisfied that any person was the owner of the land. This decision was, of course, a nullity, since, although the learned Commissioner was unaware of it, he had at that time no jurisdiction in the matter.

Since by my decision in In the Matter of Blackheath Common, Wenhaston (No. 1), (1982), Ref. Nos. 103-104, I have confirmed the registration at Entry No. 1 in the Land Section of the Register Unit with the exclusion of the land comprised in Register Units Nos. VG 44 and VG 45, I can now say that, like the late Mr Commissioner Settle, I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

27th

day of

January

1982

Chief Commons Commissioner