

JL

COMMONS REGISTRATION ACT 1965



Reference No. 239/D/32

In the Matter of Freasley Common, Dordon,  
Warwickshire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 18 in the Register of Common Land maintained by the Warwickshire County Council and is occasioned by Objection No. 33 made by the National Coal Board and noted in the Register on 21 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Nuneaton on 13 October 1983. The hearing was attended by Mr G S Dormond, the applicant for the registration at Entry No. 5 in the Rights Section of the Register Unit, and the National Coal Board was represented by Mr A K Simmons, its agent.

The land comprised in the Register Unit includes at its southern end a lane which forms a means of access to the main area to the north. The Objection relates only to this lane, which was conveyed to the Objector with some adjoining land to the east not comprised in the Register Unit by a Conveyance made 28 March 1957 between (1) Philip Stanley Hiskins (2) The National Coal Board.

The reason why the lane was included in the Register Unit is that there is a gate across its southern end, while at its northern end it is open to the main area of the land comprised in the Register Unit. Prima facie this was a good reason for including the lane in the Register Unit. However, Mr Dormond informed me that in 1942 the lane was made up, so that there is no longer any grass on it for cattle to graze. Since the only rights of common registered are grazing rights, those rights have been extinguished so far as the lane is concerned. There being no other rights of common over the land and being clear from the Conveyance of 1957 that it is not waste land of any manor, since the parcels of that conveyance do not include the lordship of a manor, the lane does not now fall within the definition of "common land" in Section 22(1) of the Commons Registration Act 1965.

For these reasons I confirm the registration with the following modification, namely, the exclusion of the land the subject of the Objection.

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

2nd

day of

November

1983

  
Chief Commons Commissioner