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COMMONS REGISTRATION ACT 1965



Reference No. 210/U/76

In the Matter of Breach Common, Shaftesbury,
Cann, and Margaret Marsh, Dorset

DECISION

This reference relates to the question of the ownership of land known as Breach Common, Shaftesbury, Cann, and Margaret Marsh, being the land comprised in the Land Section of Register Unit No. CL 41 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 8 March 1984.

At the hearing the Breach Common Leaseholders Association was represented by its Chairman, Mr Harold Munnins.

The Association is an unincorporated body which has been in existence for over a century. Its members are the occupiers of land to which rights of common over the land in question are attached, some of them being tenants and some owners. The Association has for a long time been acting as if it were the owner of the land. It used to pay for keeping gates across the roads in repair until the gates were removed as being a traffic hazard, and it pays for contractors to remove scrub. It receives an annual way-leave rent from the Southern Electricity Board. If the Association were a body corporate, it would by now have acquired a possessory title to the land. Mr Munnins said that he believed that a Duke of Westminster had formerly been the lord of the manor, but he did not know the identity of the present lord of the manor.

On this evidence 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

23rd

day of

March

1984

Chief Commons Commissioner