



Reference Nos 202/D/80  
to 87 inclusive

In the Matter of land (two pieces)  
at Pinkneys Green, Windsor and  
Maidenhead District, Berkshire

DECISION

These 8 disputes relate to the registrations at Entry Nos 2 to 9 inclusive in the Rights Section of Register Unit No CL 58 in the Register of Common Land maintained by the Berkshire County Council and are occasioned by Objection Nos 59, and 60 made by Messrs George Tarrant Copas and Thomas Henry Copas and noted in the Register on 9 December 1970 and by Objection Nos 87, 89, 90, 92 and 98 and made by the National Trust and noted in the Register on 10 December 1970 and No 180 also made by the National Trust and noted in the Register on 28 July 1972.

I held a hearing for the purpose of inquiring into the disputes at Windsor on 7 March 1979. There was no attendance at the hearing, although just before I received a letter dated 6 March 1979 from C R Thomas & Son, Solicitors of Maidenhead, saying that their client Mr G R Daniel (Entry No 7 was made on his application) would be content if his registration is amended to conform with Objection No 87.

On the day before the hearing I held a hearing for the purpose of inquiring into disputes relating to other land (Register Unit No CL 61; Maidenhead Thicket). At this earlier hearing (1) National Trust for Places of Historic Interest or Natural Beauty were represented by Mr P R Fitzgerald solicitor of Walters Vandercom & Hart Solicitors of London and (2) Messrs T H and G T Copas, represented by Mr J Hanney solicitor of Eric P Hanney & Co, Solicitors of Pinner, Middlesex; after this hearing finished, Mr Fitzgerald and Mr Hanney said they thought it likely that there would be no attendance at the CL 58 hearing of which they had received notification for the following day, and at their suggestion, with a view to saving expense, I agreed to hear them then on the basis that what they then said would if (as happened) there was no attendance on the following day, be treated as having been said then. So, save where the context otherwise requires, this decision is based on what they said on 6 March 1979.

In the CL 58 Ownership Section the National Trust are registered as owners of all the land, and in the Land Section an application by them is noted; Entry No 6 in the CL 58 Rights Section was made on the application of Messrs T H and G T Copas, they being therein called "Copas Bros".

There was no evidence that anyone other than the applicants was concerned to support the registrations. Mr Fitzgerald and Mr Hanney having said that the Objectors were agreeable to my dealing with the Entry Nos 2-9, as set out below, I am only concerned to record what was relied on as showing the agreements of the applicants.



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As regards the registration at Entry No 2 made on the application of Mr R A C Simmonds as modified pursuant to his letter dated 17 October 1972, being a right attached (only) to Woodlands Farm to pasture 100 cattle and estovers:- Mr Fitzgerald produced a document signed by Mr Simmonds by which he agreed to the further modification below set out. Accordingly I confirm the registration at Entry No 2 as modified pursuant to the said 1972 letter with the further modification that column 4 read: "To pasture 100 head of cattle and estovers limited to dead wood and nut coppice over the whole of the land comprised in this register unit and in register units numbered CL 61, CL 62, CL 63, CL 64 and CL 65.

As regards the registrations at Entry Nos 3, 4 and 5 made on the application respectively of Mrs M M Bird, Mr P H M Wood and Mrs O M Wood:- I have a letter (filed 202/D/52) of 23 June 1978 from Giddy & Giddy Estate Agents of Maidenhead and elsewhere enclosing a copy of a letter of 2 August 1973 to the County Council in which they say in effect that Mrs M Martin Bird, Mrs O Manners Wood and Mr P Manners Wood withdraw any registration made under the 1965 Act. So I refuse to confirm the registration at Entry Nos 3, 4 and 5.

As regards the registration at Entry No 6 made on the application of Messrs T T and H T Copas as modified pursuant to a letter dated 26 September 1972, being a right to graze 100 cattle, 300 sheep and 10 horses and to excavate chalk and flint on Cock Marsh only:- Mr Fitzgerald said that the National Trust objection was withdrawn; so I confirm that the registration at Entry No 1 be without any further modification.

As regards the registration at Entry No 7 made on the application of Mr G R Daniel, being a right "to graze - three horses - three goats - three donkeys":- The grounds of Objection No 87 are: "Rights only 2 horses or 2 goats or 2 donkeys". I read out to Mr Fitzgerald and Mr Hanney, a letter of 22 February 1979 from C R Thomas & Son; and I have their said letter of 6 March 1979. In accordance with the suggestion of Mr Fitzgerald and the said letters, I confirm the registration at Entry No 7 with the modification that for the words: "to graze - three horses - three goats - three donkeys", there be substituted "to graze 2 horses or 2 goats or 2 donkeys".

As regards the registration at Entry No 8 made on the application of Mr I G Handyside and Mrs J E Handyside being of a right "to graze two horses, two donkeys or two goats". My copy of this Entry No has in column 2 been overwritten "Robert L Hale", indicating I suppose, that he has succeeded Mr and Mrs Handyside. The only objection relating to this registration is No 180 made by the National Trust; Mr Fitzgerald said that it was withdrawn. Accordingly I confirm the registration at Entry No 8 without any modification.

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 26<sup>th</sup> — day of March — 1979

*A. A. Baden Fuller*

Commons Commissioner