



COMMONS REGISTRATION ACT 1965

Reference No. 202/D/90

In the Matter of The Old Common,  
Ruscombe, Berkshire

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DECISION

This dispute relates to the registration at Entry No. 1 in the land section of Register Unit No. CL 128 in the Register of Common Land maintained by the Berkshire County Council and is occasioned by Objection No. 5 made by Mr J N Sheffield and noted in the Register on 14 April 1969.

I held a hearing for the purpose of inquiring into the dispute at Windsor on 13 December 1973. The hearing was attended by Mr D Major, the applicant for the registration, by Mr A J Southorn, solicitor, on behalf of Mr Alan Godsal, on whose behalf Mr Sheffield made the Objection, and by Mr W McGuire, a member of the Ruscombe Parish Council.

There being no entry in the Rights Section of the Register Unit, the land comprised in the Register Unit can only fall within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 if it is waste land of a manor.

Mr Major gave evidence that this land consists mostly of pasture and some arable. It is fenced and farmed with Northbury Farm.

On this evidence it is clear that the land is not waste land, which must be open, uncultivated and unoccupied: See per Watson B. in Att-Gen. v Hanger (1853), 27 L J Ch. 837. It is therefore unnecessary to go on to consider whether it is parcel of any manor.

For these reasons I refuse to confirm the registration.

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

February

1979

Chief Commons Commissioner