



COMMONS REGISTRATION ACT 1965

Reference No. 259/D/16

In the Matter of Woolwich Common,
Greenwich, Greater London

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 182 in the Register of Common Land maintained by the Greater London Council and is occasioned by Objection No. 11 made by the Secretary of State for Defence and noted in the Register on 6th May 1970.

I held a hearing for the purpose of inquiring into the dispute at Watergate House, WC2 on 2nd March 1976. The hearing was attended by Mr F Barlow, of counsel, on behalf of the Objector. Mr J S C Simmons, the applicant for the registration, did not appear and was not represented, but he sent to the Clerk of the Commons Commissioners from an address in Wiltshire a letter dated 24th February 1976, in which he stated that he was not able to attend the hearing, but that he did not wish to change his mind about the registration. Mr W Lumley asked to be heard in support of Mr Simmons' case, but he had no evidence to show that the land in question was "commonland" within the definition in section 22(1) of the Commons Registration Act 1965. Mr Barlow, however, stated that although no case had been made out in support of the registration, the Objector wished to show that the registration was misconceived.

Although the land comprised in the Register Unit is named "Woolwich Common" on the modern Ordnance Survey maps, only a part of it was originally Woolwich Common, the major part having been in the Manor and former parish of Charlton and known accordingly as Charlton Common. The former parish boundary is shown on the modern Ordnance Survey map as the boundary between the former Metropolitan Boroughs of Greenwich and Woolwich.

The land comprised in the Register Unit now forms part of a much larger area in the ownership of the Objector. This larger area was acquired by the Objector's statutory predecessor, the Board of Ordnance, in a number of parcels in the early years of the nineteenth century. Parts of three of these parcels now constitute the land comprised in the Register Unit.

The part of the land in the former parish of Woolwich formerly belonged to the Commissioners of Woods, Forests, and Land Revenues and was sold to the Master-General and Principal Officers of HM Ordnance under a contract dated 5th September 1812. It appears from this document that this part of the land was parcel of the Manor of Eltham and that it was thereby severed from the lordship of the Manor, which remained in the Commissioners of Woods, Forests, and Land Revenues.



The part of the land in the former parish of Charlton was acquired by the Board of Ordnance in two sections. The eastern section was part of the waste lands of the Manor of Charlton and was acquired compulsorily under the Act 43 Geo. III, c.45, but without the lordship of the Manor. The western section was acquired on behalf of the Board of Ordnance under an indenture of release made 16th November 1808 between (1) Dame Jane Wilson (2) Sir Thomas Maryon Wilson, Bt (3) The King. Only a small part of this section having an area of 2a.2r.0p. was waste of the Manor of Charlton: the remainder consisted of enclosed fields and the lordship of the Manor was not included in the parcels.

All three parts of the land have been in the undisputed possession of the Objector and his predecessors for the last century and a half, during which period they have been severed from the lordships of the Manors of Eltham and Charlton. They therefore do not fall within the second limb of the definition of "common land" in section 22(1) of the Act of 1965.

Since no rights of common have been registered, no such are now exercisable by virtue of section 1(2)(b) of the Act of 1965, so that it is unnecessary to consider the evidence regarding such rights as may formerly have existed.

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 17th day of March

1976

Chief Commons Commissioner