



COMMONS REGISTRATION ACT 1965

Reference Nos 231/D/94
~~to 99 inclusive~~
~~251/D/100~~
 to 103 inclusive

In the Matter of (1) Yewtree Bank
 (about 79 acres) and (2) Synolds
 (about 51 acres), Myndtown, South
 Shropshire District, Shropshire

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section, at Entry Nos 1 and 2 in the Rights Section and at Entry No. 1 in the Ownership Section of Register Unit No. CL 41 in the Register of Common Land maintained by the Shropshire County Council and at Entry No. 1 in the Land Section and at Entry Nos 1 and 2 in the Rights Section of Register Unit No. CL 42 in the said Register and are occasioned by Objections No. 0.51 and No. 0.52 made by Major Richard William Bunnay Crawford Clarke and by Objection No. 0.53 made by Mrs Allee Beaumont Edwards and noted in the Registers on 8 March 1971.

I held a hearing for the purpose of inquiring into the disputes at Shrewsbury on 3 February 1982. At the hearing Myndtown Parish Council were represented by Mr M Williams their chairman.

The Rights Section registrations at Entry No. 1 were made on the application of Mr John Wilding and Mr William Wilding. The Rights Section registration at Entry No. 2 were made on the application of Mrs Elizabeth Margaret Jones and Mr David Brian Jones. The Land Section registrations were made as a consequence of the applications made by Messrs J and W Wilding for registration of rights. The CL 41 Ownership Section registration of the part of the land west of the line AB (about 1/4th of the whole) was made by the Midland Gliding Club Limited.

The grounds of Objection Nos 0.51 and 0.52 (Major Crawford Clarke) are in effect that the rights registered by Messrs J and W Wilding are not rights of common but exercised under a deed made by the Objector and that the Ownership Section registration is objected to because the land belongs to the Objector. The grounds of Objection No. 53 (Mrs Edwards) are in effect that Messrs Wilding and Miss E M and Mr D B Jones have no rights of common and that the land belongs to the executors of J R Edwards deceased.

The County Council when referring these disputes to a Commons Commissioner sent copies of letters of 10 May and 24 August 1971 to them from J C H Bowdler & Sons Solicitors of Shrewsbury, saying on behalf of their clients Messrs Wilding that they agreed their application for registration being withdrawn, the right registered not being a right of common. The County Council also said that the Executors of the estate of the late Major R W B Crawford Clarke sold the CL 41



land (part east of AB) and the CL 42 land on 7 March 1974 to West Midland Gliding Club Limited (they having been previously registered as owners of the CL 41 land) part west of AB.

In the absence of any evidence in support of the Rights Section registration having regard to the grounds of the said Objection and to the information supplied by the County Council, I conclude that the registrations were not properly made. It appearing that the Land Section registration made in consequence of the applications for the rights registrations I conclude that these too are also not properly made. If the Land Section CL 41 registration is avoided, the Ownership Section registration will cease to have any effect; so I must avoid it whether or not West Midland Gliding Club Limited owned the land.

For the above reasons and with the agreement of Mr Williams, I refuse to confirm the CL 41 Land Section, Right Section and Ownership Section registrations, and I also refuse to confirm the CL 42 Land Section and Rights Section registrations.

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 6th - day of August - 1982

A. A. Baden Fuller

Commons Commissioner