

The Office of the Commons Commissioners Watergate House, 15 York Buildings Adelphi, London WC2N 6LB

Telephone 01-839 7196 ext

Mr and Mrs Stuttill Hilliers Lodge Bucklebury Common Reading

Our Reference

Date

27 JUL 1979

Dear Sir and Madam

Commons Registration Act 1985

In accordance with Regulation 32 of the Commons Commissioners Regulations 1971, 1 enclose for your information a copy of a Notice to the registration authority.

Yours faithfully,

L. FORRESTER

Clerk of the Commons Commissioners

IN THE MATTER OF Parts of land at Bucklebury Common, Bucklebury,

Newbury D

To the Berkshire County Council

I HEREBY GIVE YOU NOTICE in pursuance of Section 6(2) of the Commons

Registration Act 1965 that on the

OE

day of

APRIL

1979/the registrations other than those hereafter /mentioned

in the Rights

Section of Register Unit No. CL 28

in the Register of maintained by you became void and Entry Nos 1,2,3,4,7,8,10,11,12,13,14,16-30 (inclusive) 33-40 (inclusive) 42-50 (inclusive) 52,54,56,57,58,60,61,62,63,65,66,69,70,71 72,73,75,79-91 (inclusive) 99,100,101,102,104,106,108-129 (inclusive) .131,133-145 (inclusive) 149,151,153,157,161,163,164,166,167 and 170-175 (inclusive) became final modified by the deletion of all the words in column 4 and substituting therefore the words "Wooding Rights" as defined in this Section and the following Intries shall be further modified by inserting after words "Wooding Rights" as defined in this Section the words set opposite them respectively viz:

The right to turn out 2 pigs Intry No. 1 and Entry No. 10 The right to turn out 3 sheep or goats and 2 pigs and Entry No. 4 The right to graze 3 sheep or goats and to turn out and Entry No. 14 The right to graze 3 goats and to turn out 1 pig and The right to graze 1 sheep or 1 goat Entry No. and Entry No. The right to graze 20 geese and Entry No. and The right to graze 2 goats Entry No. and The right to graze 1 head of cattle or 3 sheep Intry No. The right to graze 5 cattle or horses or 15 sheep and or goats Intry No. and The right to graze 4 cattle or horses Entry No. 102 and The right to graze 10 cattle or horses and to turn out 12 pigs Entry No. 103 The right to turn out 4 geese and 2 pigs and Entry No. 109 The right to turn out 2 pigs · and Ontry No. 110 The right to turn out 2 piss and Entry Mo. 113 and The right to graze 8 cattle 2 goats and 6 geese and to turn out 3 pigs The right to graze 6 geese and to turn out 2 pigs Entry No. 116 end. Entry No. 117 and The right to graze 8 horses or cattle Entry No. 121 The right to turn out 2 cattle and 4 pigs and 4 geese and Entry No. 123 The right to graze 12 geese and Entry No. 170 The right to graze 30 cattle and Entry No. 777 The right to graze 5 cattle and Entry No. and The right to graze 12 cattle Entry No. and The right to graze 3 cattle or horses or 9 sheep or goats. <u>Definition: Wooding Rights in this Section means: The right to take</u>

> Civen under my hand and seal this - Line

to have hedgebote and firebote and to take furse and bracken.

timber for repairs, to top all pollards which have been usually topped

day



The Office of the Commons Commissioners Watergate House, 15 York Buildings Adelphi, London WC2N 6LB

Telephone 01-839 7196 ext

Successor Mr & Mrs Stuttill Hilliers Lodge Bucklebury Common Reading

Date

- 9 OCT 1978

Dear Sir & Madam

Commons Registration Act 1965

Reference No. 2/D/8

Parts of land at Bucklebury Common, Bucklebury

Register Unit No. CL 28

I enclose a copy of the decision of the Commons Commissioner in this matter.

Any application to the Commissioner for the statement of a case must be made in writing addressed to me at this office, and must state the point of law in question.

Since you may not, in law, be a "'person aggrieved'", you are recommended to take legal advice if you contemplate requiring the Commissioner to state a case.

If you were entitled to be heard at the hearing of this matter, but did not attend the hearing, the Commissioner may, on an application made by you within 10 days from the date of this letter, re-open the hearing and set aside his decision on such terms as he thinks fit, if he is satisfied that you had sufficient reason for your absence.

Yours faithfully,

L. FURNISTER

Clerk of the Commons Commissioners.





In the Matter of parts of land at Bucklebury Common, Bucklebury Newbury D

DECISION

This dispute related to all the subsisting registrations in the Rights Section of Register Unit No.CL.28 in the Register of Common Land maintained by the Berkshire County Council and is occasioned by Objection No. 30 made by D A Hartley Russell and noted in the Register on 26 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Newbury on 16 May 1978. The hearing was attended by Mr L Courts of Messrs. Courts and Co on behalf of the applicants for Rights whose Entries I will confirm as hereinafter mentioned other than the applicants under Entries Nos 4 and 33. The applicant under Entry No. 4 appeared by Mr Clarks Hoile and Miss Marshall who is beneficially entitled to the land for which rights are claimed under Entry No. 33 appeared in person. Mr H E Norman appeared in person to claim his right to take gravel under Entry No. 1.

Mr Hartley Russell the objector appeared in person it was agreed by the parties attending or represented at the hearing that I should confirm modified as 12/23/25 hereinafter stated. The following Entries viz: 1 2 3 4 7 8 10 11 12 13 14 16 to 30 (inclusive) 33 35 to 40 (inclusive) 42 43 44 to 50 (inclusive) 52 54 56 to 57 58 60 61 62 63 65 66 69 70 71 72 73 75 79 to 91 (inclusive) 93 to 97 (inclusive) 99 100 101 102 104 106 108 to 129 (inclusive) 131 133 to 145 (inclusive) 149 151 153 155 157 158 161 163 164 166 167 and 170 to 175 (inclusive).

In the absence of any appearance by any of the applicants under any of the Entries other than those listed above I refuse to confirm those other Entries.

I can deal first with Mr Normans claim to take gravel. He told me that he had permission from Mr Russells predecessor to work a seam of gravel, and that he had continued to take gravel because so far as he was aware that permission had never been withdrawn. This activity was and is clearly permissive and cannot found a claim to a prescriptive right and I refuse to confirm Mr Normans claim to a right to take gravel.

I confirm all the Entries listed above (hereinafter called the confirmed Entries) and will now deal with the modification. Since the modifications are substantial the convenient course is to delete all the words in column 4 of the confirmed Entries and to substitute therefore the words hereinafter mentioned.

Each of the applicants under the confirmed Entries claimed what were described at the hearing as "Wooding Rights". It was agreed by Mr Russell and Mr Courts that Rights cannot be limited by a presentment of a Court Baron or Court Leet and that the Rights must be accurately defined in the Register and they further agreed that the correct definition of the wooding rights is as follows:-



"the right to take timber for repairs, to top all pollards which have been usually topped, to have hedgebote and firebote and to take furse and bracken"

and these words will be inserted in Column 4 of each of the confirmed Entries in place of the words deleted.

Some but not all the applicants under the confirmed Entries claimed grazing rights including the right to graze poultry under various descriptions. I am of opinion that the only commonable bird is a goose. There is no reference in Elton on Commons, Elton on copyholds. Scriven on copyholds or Harris and Ryan on Common Land to a right of pasture for poultry and the lack of any such reference in the recognised text books supports my view, which is I believe generally held that poultry are not commonable. Possible reasons for this may be that poultry cannot subsist on herbage, that before the days of wire netting the fences against the common were not adequate to prevent poultry having access to the common. The presence of poult ry on the common who took little of the herbage was probably and still is in my view attributable to tolerance and not as of right. Mr Russell at the hearing did indicate that he was not likely to be less tolerant in the future than he and his predecessors had been in the past. For this reason I refuse to confirm any rights to graze poultry.

Mr Courts did refer me to a passage in Hansard where as compensation for an inclosure a commoner had been given compensate, for not having the land for the use of his geese and poultry. I cannot accept that this reference in Hansard is authority for the proposition that poultry are commonable.

Mr Courts further argued that since Mr Russell did not in some cases now object to the registration of rights to graze poultry I had no jurisdiction to refuse to confirm these rights. Neither the Act of 1965 nor the Regulations made thereunder provide for a partial withdrawal of an objection. Mr Russell has made one objection and the disputes arising therefrom have been referred to me and I am bound by Section 6 of the Act either to refuse to confirm or to confirm with or without modification the registrations the subject of the Objection. Once there has been a reference the "matter" falls to be dealt with by a Commissioner and the Registration Authority has no power to amend the Register. Regulation 31 of the Commons Commissioners Regulations 1971 enables a Commissioner to give a decision by consent without a hearing but confer upon him a discretion whether or not to give the decision requested. It would be surprising if when the matter comes before a Commissioner at a hearing his discretion is less than that when he is requested to give a decision without a hearing.

I am of opinion that I cannot be required to confirm the Entry insofar as it relates to an alleged right which is unknown to the law I therefore refuse to confirm at claims to rights to graze poultry.

This leaves outstanding the claim for grazing rights for commonable animals save as hereinafter mentioned no evidence was offered to support those claims and I refuse to confirm any claims for grazing rights other than those set out below which are conceded by Mr Russell and which will be added to the wooding rights (as defined above) in substitution for the words deleted from column 4 viz:



Intry No 1	The right to turn out 2 pigs
Entry No 4	The right to graze 3 sheep or goats and to turn out 2 pigs
Entr- No 14	The right to graze 3 goats and to turn out 1 pig .
Entry No 22	The right to graze 1 sheep or 1 goat
Entry No 23	The right to graze 20 geese
Entry No 25	The right to graze 2 goats
Entry No 33	The right to graze 1 head of cattle or 3 sheep
Entry No 37	The right to graze 5 cattle or horses or 15 sheep or goats
Entre No 50	The right to graze 4 cattle or horses
Entry No 102	The right to graze 10 cattle or horses and to turn out 12 pigs
Entry No 109	The right to turn out 2 pigs
Entr- No 110	The right to turn out 2 pigs
Entry No 113	The right to graze 8 cattle 2 goats and 6 geese and to turn out 3 pigs
Entry No 116	The right to graze 6 geese and to turn out 2 pigs
Entry No 117	The right to graze 8 horses or cattle
Entry No 123	The right to graze 12 geese
Entry No 170	The right to graze 30 cattle
Entry No 171	The right to graze 5 cattle
Entry No 172	The right to graze 12 cattle
Entry No 173	The right to graze 3 cattle or horses or 9 sheep or goats

The effect of this decision is that each of the confirmed entries will have wooding rights as defined above and the Entries mentioned above will also have the grazing rights stated above and that I refuse to confirm all other subsisting Entries.

The Registration authority may consider that the convenient course is to state on the existing register that the confirmed rights are final as modified in the supplemental register and have a clean supplemental register which will be the effective register in which Column 4 will set out the rights in accordance with this decision.



The direction I anticipate giving is that the Entries confirmed by this decision become final modified as stated in the decision and that all other Entries become void. I would appreciate it if a direction in this form will be acceptable to the Registration Authority.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to emplain 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

20"

day of 144

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CA Lettle

Commons Commissioner

BUCKLEBURY COMMON

Rights granted to Members of the Bucklebury Commoners' Association by the Commons Commissioner.

Reg. No.	Owner at 16th May 1978	Address of Holding	Common Rights
.1	Norman H.E.	Scotland, Lower Common	Wooding
\2 .	Yates P.J.	Inglenook, Lower Common	Grazing - 2 pigs Wooding
-3	Hadcock N & J	Winchcombe Farm, Lower Briff Lane	Wooding
7	White	Briff, Lower Briff Lane	Wooding
\8	Hazell G.	Havenwood, Briff Lane, Upper Bucklebury	Wooding
10	Green S.J.	The Cottage, Miles Green	Wooding Grazing - 3 sheep/goats 2 pigs
'11	Green W.G.	Blitz, Upper Bucklebury	Wooding
,12	Weern V.A.E.	The Cottage, Zin Zan	Wooding
Ĵ3	Courts V.	Talbot Cottage, Bucklebury Slado	Wooding
3 4	Mann P.D. & B.V.	Snowdrop Cottage, Bucklebury Slade	Wooding Grazing - 3 goats l pig
1,6	Green S.E.	Sunnyside Bucklebury Slade	Wooding
î	Briggs Morgan	Cyntra Bucklebury Slade	Wooding
18/	Hussey M.	Chapel Row House Chapel Row	Wooding
1 9´	Briggs, May	Downhill House, Bucklebury Slade	Wooding
20	Antelme	Ryders, The Avenue	Wooding
21	Miller E.R.	Whitethorns, The Avenue	Wooding
-22	Griffin K.F.	Haywards (Little Thatch) The Avenue	Wooding Grazing - 1 Sheep/goat
23	Thomson M.C.F.	Gunnells, The Avenue	Wooding Grazing - 20 geese
25	Marshall J.L.	Black Barns (Broom Cottage)	Wooding
C.		The Avenue	Grazing - 2 goats

Reg. No.	Owner at 16th May 1978	Address of Holding	Common Rights
2,6	Holdsworth Hunt C.	Hollywood, The Avenue	Wooding
27	Dunlop P.A.R.	Tylers Lane Cottage Bucklibury Slade	Wooding
28	Perry B.P.	Nuttage House, Lower Common	Wooding
29	Baker E.N.	Highlands, Upper Bucklebury	Wooding
<u>3</u> 0	Baker E.N.	Roundfields Cottage Upper Bucklebüry	Wooding .
<i>33</i>	Marchall J. L.	Acorn Cottage The Avenue	Wooding Grazing - 1 cattle or 3 sheep
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3,5	Hillier J.	Bracken House The Avenue	Wooding
36	Rosier S.W.	Iona, Lower Common	Wooding
	•	•	•
<i>3</i> 7	Edwards O.M.	Heatherdene, Lower Common	Wooding Grazing - 5 cattle/horses or 15 sheep/goats
38	Morris R.	East View Upper Bucklebury	Wooding
,3 9	Smyly A.G.	Gorse Cottage, Byles Green	Wooding
40	Barrett K.M.L.	Chorry Tree Cottage Byles Green	Wooding
42	Brooke J.R. & E.M.	Briar Cottage Upper Bucklebury	Wooding
43	Edwards O.M.	The Dell, Byles Green	Wooding
ft .	Kennedy E.M.	The White Cottage Lower Briff Lane	Wooding
45	Trowell T.M.	Greens Old Farm Lower Common	Wooding
<u>4</u> 6	Carden E.E. & Talbot A.F.	Pear Tree Cottage Byles Green	Wooding
47	Brown K.O. & A.J.	Wancy Edge Bylos Green	Wooding
<u>4</u> 8	Holt D.A.	50 Broad Lane Upper Bucklebury	Wooding
<u></u> மு்	Goddon W.E.	Oakdene, 52 Broad Lane Upper Bucklebury	Wooding

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Reg No	Owner at 16th May 1978	Address of Holding	Common Rights
50	Waters A.S.	Byles Green Farm Byles Green	Wooding Grazing - 4 cattle/horses
52	Sellwood S.W.	38 Broad Lane Upper Bucklebury	Wooding
54´	Stephens D.J.	Brynmill, Longrove Upper Bucklebury	Wooding
56	Millson F.	Furze View Turners Green	Wooding
57	Millson L.M. & H.	Camplins Cottages Turners Green	Wooding
58	Rendall V.N.	Apple Tree Cottage Turners Green	Wooding
ęυ ,	Castello E.J. & E.M.	Green Meadows The Avenue	Wooding
61	McKay I.	Briff Copse Zin Zan	Wooding .
62	Phillips D.	The Pightle Chapel Row	Wooding
63	Dunlop E.	Osgoods Gully Lower Common	Wooding
65	Davies A.	Gunnells Cottage The Avenue	Wooding
.66	Williams V.C.	Folly Cottage The Avenue	Wooding
Ÿ	Bootle-Wilbraham J.B.	Clump Cottage The Avenue	Wooding
71 ·	Lady Helen Smith	Kings Copse The Avenue	Wooding
72	Mence M.D.	Brackenhurst Cottage (Lavender Cottages) The Avenue	Wooding
73	Millson S.W.	34 Chapel Row	Wooding
7 5	Little W.J.A.	West View Chapel Row	Wooding
79	Somerhayes G.	The Old Bakehouse Chapel Row	Wooding
80	Burton C.	Carbins Wood Lower Common	Wooding
81	Viscount Combermere	Vanners Lower Common	Wooding

Reg. No.	Owner at 16th May 1978	Address of Holding	Common Rights
B Z	Marcham J.	Shingletons The Avenue	Wooding
84	McNair Wilson D.	Nine Elms The Avenue	Wooding
85	Blandy	Berroc Brook Lower Common	Wooding
86	Kidd E.H.	Barbers Pightle Lower Common	Wooding
87	Kidd E.H.	Brittons, Lower Common	Wooding
.88 ´	Vlitos A.J.	Spring Cottage Lower Common	Wooding
9ُل	Hansen B.	King Charles Cottage Lower Common	Wooding
91	Jebb G.H.	Beenham Hatch The Avenue	Wooding
93	Clutton Brock	Gable Cottage Briff Lane	Wooding
,94	Rivett G.	The Bungalow Zin Zan	Wooding
95	Hannan A.	(Allandale) Rota Colone. Turners Green	Wooding
ુ96	Wakefield E.M.	Hopgoods Farm Hopgoods Green	Wooding
\\$	Millson M.I.	Lyndhurst Hopgoods Green	Wooding
101	Farey M.	Haycroft Bucklebury Slade	Wooding
102	Wells L & R	Chapel Row Dairy Chapel Row	Wooding Grazing - 10 cattle/horses 12 pigs
106	West R.F.	Woodthorpe Bucklebury Slade	Wooding
f08	Paulin M.A.	Wayside Bucklebury Slade	Wooding Grazing - 4 geese ← ducks 2 pigs
f09	Sellwood	Ferndale Bucklebury Slade	Wooding Grazing - 2 pigs
ijo	Sellwood L.C.	Hillview Turners Green	Wooding Grazing - 2 pigs

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Reg.	Owner at 16th May 1978	Address of Holding	Common Rights
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11.1	Lyon W.G.	Bucklethwaite Lower Common	Wooding
112	Minchin C.C.	Winchcombe Lodge The Avenue	Wooding
113	Froude P.E.	Slade Farm Bucklebury Slade	Wooding Grazing - 8 cattle 2 goats 6 geese
	•		3 pigs
1,114	Rumbold H.	l Snowdrop Cottage Bucklebury Slade	Wooding
115	Pusey L.H.	Juniper Cottage Bucklebury Slade	Wooding
źτ	England R.	l Rose Cottages Bucklebury Slade	Wooding Grazing - 6 geese 2 pigs
13.7	Maxwell M.J.	Picton Farm Bucklebury Slade	Wooding Grazing - 8 horses/cattle
118	Green S.E.	Lyndhurst Bucklebury Slade	Wooding
119	Cairns C.S.	Hope Cottage Buc_klebury Slade	Wooding
1,20	Anderson L.	Tomlins Farm Lower Common	Wooding
121	Paulin J.S.	Beechlyn Bucklebury Slade	Wooding Grazing - 2 cattle 4 pigs 4 geese
1,22	Wheeler E.M.A.	3 Rose Cottages Bucklebury Slade	Wooding
123	Harding	Rose Leaf Bucklebury Slade	Wooding Grazing - 12 geese
124	Green P.J.	The Nutshell Tylers Lane, Slade	Wooding
125	Randall W.C. & A.G.	Lynthorpe Tylors Lane, Slade	Wooding
126	Guntrip	Meadow View . Tylers Lane, Slade	Wooding
1,27	Wado	Denbury Tylers Lane, Slado	Wooding
128	Pearce A.H. & P.I.	Belvedere Tylers Lano, Slade	Wooding

Reg No	Cwner at 16th May 1978	Address of Holding	Common Rights
129	Brown D.G.	Badgers Holt (Allstones) Tylers Lane, Slade	Wooding
131	Sandland	Tiverton House Bucklebury Slade	Wooding
13/3	Stiff W.A.J.	Longrove Upper Bucklebury	Wooding
134	Drillean J.L.	Kennel Barn Bucklebury Slade	Wooding
1,35	Clouston G.L.	Thatchers The Avenue	Wooding
136	Rena G.	Osgoods Holding Lower Common	Wooding
₽Ġ,	Collett C.A.S.	Zin Zan Cottage Zin Zan	Wooding
138	Waller M.	Little Barfield Chapel Row	Wooding
1,39 °	Korn C.	Mary Well Lower Common	Wooding
140	Harding H.R.	Cherry Tree Cottage Zin Zan	Wooding
गेप	Lyford C.H.	Woodlands Hatch Lane, Chapel Row	Wooding
142	Ker J.M.D.	Heathgate The Avenue	Wooding
ŷ	Crook A.	Highfield Farm Hopgoods Green	Wooding
1,44	Barber J.T.	Heatherview Lower Common	Wooding
145	Dennis G.M.	3 Turners Green	Wooding
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151	Easter B.H.	The Cleffon Upper Bucklebury	Wooding
153	Barrett J.M.	The Haven Upper Bucklebury	Wooding
1.55	Chapman V.	3 Paradise Lane The Avenue	Wooding
157	Millson E.A.	2 Camplins Cottages Turners Green	Wooding
3,58	Alms E.	Little Oak Briff Lane	Wooding

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NO			
.163~	Green H.G. & M.E.	Westview Roundfields Upper Bucklebury	Wooding
164	Crook C.W A.E.	Gorselands, Roundfields Upper Bucklebury	Wooding
1,66	Smith E.	Bucks Cottage Bucklebury Slade	Wooding
167	Turner V.M.	Longrove Upper Bucklebury	Wooding
170	Wyatt R.	Gunnells Farm The Avenue	Wooding Grazing - 30 cattle
171	Wyatt R.E.	Land at Shingletons The Avenue	Wooding Grazing - 5 cattle
1,_	Suttill F.J. & H.A.	Hilliers The Avenue	Wooding Grazing - 12 cattle
173	Fisher A.S.	Lavender Cottage Turners Green	Wooding Grazing - 3 cattle/horses or 9 sheep/goats
174	Chance	Gorselands The Ayenue	Wooding
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Tomlins The Avenue

Address of Holding

Common Rights

Wooding

Owner at 16th May 1978

Hipkin

Distribution - Lord of the Manor

Berkshire County Council - Chief Executive

Newbury District Council - "

Bucklebury Parish Council - Chairman

Thames Valley Police, Newbury - for attention of John Burt

Bucklebury Common Haywards x 16

Bucklebury Commoners' Association - Chairman

- Secretary's Copy!

List of non-BCA Members who were granted rights at the Hearing on 16th May 1978

Reg No	Name of Applicant	Address of notding	Common Rights
4	Green E.P.	Zin Zan Place Upper Bucklebury	Wooding Grazing - 3 sheep/goats 2 pigs
69	Taylor J.	Fir Trees Chapel Row	Wooding
83	Nailor A.K.	29 Chapel Row	Wooding
89	Dunlop E.R.I.	Lower Common House	Wooding
99	Nailer W.L.	Heathercroft Bucklebury	Wooding
J.	Green E.P.	Zin Zan	Wooding
104	Hatfield S.	Copse Close Hopgoods Green	Wooding
161	Quinlan M.S.	Roundfields . 51 (changed to 49)	Wooding
24	Oldland	Little Lodge, The Avenue	Wooding
n^6	Millson E.S.	Pat Joy	Wooding

Bucklebury Commoners' Association.

The Association has been formed to help people of this parish who intend to register Common Rights under the Act of 1965.

If you wish to join the Association please tell your representative on the Working Committee before the end of October. These are the members of it:-

Mr. P. Green-	Zin Zan
Mrs. S. Paulin.	Wayside Stores, The Slade.
Mr. J. Nicholls	Diamond Villa, Longrove.
Miss. O. Edwards /	Heatherdene, Nr. Roundfield.
Miss. L. Anderson.	Tomlins, The Common.
Mr. H. G. Copas.	The Shadows, Hatch Lane.
Mr. G. Wells. 🗕	Nutwood, Hatch Lane (for Chapel Row)
Mr. A. Stacey.	The Alley, Bucklebury Alley.
Mr. N. Hadcock.	Winchcombe Farm, Briff Lane.
Mr. E. J. Castello.	Green Meadows, The Avenue.

It is not intended to ask for any fee for joining the Association, but by combining together, we hope to reduce the cost of registering our rights.

J. M. D. Ker,

Chairman.