

GADSDEN
ON
COMMONS AND GREENS

SECOND EDITION

by

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PREFACE TO THE FIRST EDITION

This book has been researched and written during the run up period to comprehensive legislation intended to update the use and management of the common lands. But the approach to new legislation in this area of law tends to be slow and laborious. It is 10 years since an interdepartmental committee report announced governmental interest in planning for a new Act and next year sees the thirtieth anniversary of the Royal Commission report which laid down the guidelines for it. The *Royal Commission on Common Land 1955–1958 Report* recommended the establishment of statutory registers for all common land including a record of the rights exercisable over it and its ownership. It was also proposed that there should be new statutory schemes of management for, and a universal right of public access to, the land. In the event it was decided to proceed in two stages; first, registration and, secondly, management and access provisions. Registration was set in train with the enactment of the Commons Registration Act 1965 and now, some 20 years later, is approaching completion. Unfortunately, it is now widely recognised that the Act was not entirely adequate to effect its purposes. In the Court of Appeal in 1982, Lord Justice Oliver, on finding that the Act deemed land to be waste land of a manor when it was accepted by all the parties that it had never had that status, remarked that the case revealed “what I cannot but think is yet another most unsatisfactory state of affairs created by this Act which, if I may say so, is crying out for amendment . . .” It is now apparent that the second stage of legislation will also have to be concerned with amending the deficiencies, and resolving the anomalies and injustices which have arisen from registration. Thus, there is an additional dimension of complexity added to a subject which was already quite complicated enough. Existing statute law, directly concerned with commons, spans 600 years—the earliest Act still in force is concerned with inclosure of commons—and the common law, at the outset of its development in the twelfth century, dealt with rights of grazing over the land of a feudal lord as one of its main features. I have attempted to show that the common law, at least, is relatively free from ambiguity and that many of the features, which some have thought to be obscure and irrational, are sensible and logical. This is much as one might expect after some 700 years of development. That is not to say that the subject is not complex. The common lands are not one particular type of land but a series of interrelated classes with discrete rules applicable to each class. I hope that I have distinguished all the main classes of land and rights which exist today and described adequately the rules for each class, while at the same time warning against confusing the different classes and rules. The reader will find that some of the issues, which have become live in recent years, of which the permanent or temporary severance of appurtenant rights from the land to which they are attached are typical examples, are dealt

with on the basis of principle rather than authority. This is because many of the new issues have not been litigated directly and reference to principles seems the only realistic approach. Until there is statutory enactment or case authority affecting them these issues need to be treated with some caution.

It would be attractive to report that the statutes in force are models of clarity. Unfortunately this is by no means the case. Quite apart from the problems recently posed by the Registration Act of 1965 the earlier Acts are in many cases inconclusive in definition and purpose. Be that as it may, I have attempted to draw together, in outline at least, all the Acts which bear directly on common lands and describe, as best I can, their effects. I should perhaps enter one caveat: the massive Inclosure Act of 1845 is still in force but had its teeth drawn as an instrument for inclosure over a century ago. It is to all intents and purposes defunct and I, therefore, give it scant attention except where some of the subsidiary provisions are still in active use. Needless to say the Commons Registration Act 1965 is accorded pride of place among the statutes considered and I have recorded the major areas of difficulty in interpretation and practice. I am certain that I have not uncovered all the problems but at least those which are apparent from the decisions of the Commons Commissioners, who have been resolving registration disputes for over 15 years, are included. I have also been able to study somewhere between five and 10 per cent. of all the commons registers and the discrepancies which appear on the face of those records are noted. What cannot be discovered from this type of investigation is the scale of totally incorrect registrations. Only time will tell how many are in this category and, while everybody concerned with common land has his own particular horror story, there is no central record to bring them all together.

One direction which the book has taken might seem a little unusual for a text on the law of commons inasmuch as there is more than passing consideration of the liability for straying animals and the connected, and unusual, duty to fence against a common. However, those concerned in practical matters will know that the propensity for animals to stray from commons is a constant source of worry and, liability frequently depends upon the establishment of fencing obligations. I have thought it appropriate to identify and comment upon as many as possible of the practical legal difficulties in these more general areas of law, as well as a few others.

I have written with the intention of providing assistance to those who have to grapple with the various legal problems which occur on the common lands. Clearly most are legal practitioners but I am conscious that there is a wider audience among those with direct interests over the lands, whether public or private. Not all that wider audience is legally qualified and not all legal practitioners are well acquainted with agricultural practice. I have tried, therefore, to simplify the law for laymen and explain agricultural practice for the lawyer. If in so doing I have oversimplified for some readers I hope they will understand the reason. In particular my apologies go to those laywers who may feel insulted at my apparent ready assumption that they do not understand Latin, Law French or even some of the simpler legal concepts!

I wish to thank all those persons who have helped me in the preparation of this book. In particular my thanks are due to Jack Ellis, of Swansea, whose extensive

knowledge of the law and practice of commons inspired me to start my research, the National Farmers Union, and especially James May for providing all the earlier Commissioners' decisions for copying, the staff at the Welsh Office and the Department of the Environment for assistance with the tables, the Department of Education and Science for a studentship which gave me some two and a half years of full time research, my colleagues at University College, Cardiff for their unstinted encouragement and support and, by no means least, the publishers' staff, who gave me such efficient help in the final stages of preparation and also offered sympathetic understanding during a convalescence from illness. I need hardly say that any mistakes are mine alone.

30 September 1987

G. D. Gadsden

PREFACE TO THE SECOND EDITION

The first edition of this work by Dr Gadsden was published in 1988. It is a tribute to Dr Gadsden that this work is still relied upon despite the fact that the text was originally produced some 24 years ago. Indeed, the work has been cited by judges in numerous cases including the following leading authorities: *Oxfordshire CC v Oxford City Council* (House of Lords [2006] UKHL 25), *Bettison v Langton* (House of Lords [2001] UKHL 24), *R. v Oxfordshire CC, Ex p. Sunningwell Parish Council* (House of Lords [1999] 1 AC 335) and *Hampshire CC v Milburn* (House of Lords [1990] 1 AC 325).

In view of this considerable pedigree it is with some trepidation and deference to Dr Gadsden that some years ago I took up the task of producing the second edition. This has proved somewhat of a challenge in several respects. First, whilst in the course of writing the Commons Bill progressed through its various stages in Parliament and eventually was enacted as the Commons Act in July 2006. Secondly, Dr Gadsden's work remains a highly respected academic treatise on the law of commons and greens, but was considerably out of date even before the enactment of the Commons Act 2006.

The position then became more complicated. First, the Government in its wisdom decided to "roll out" the Commons Act 2006 in seven "pilot" areas (now referred to as the "pioneer scheme" or "pioneer areas"). This meant that for the most part the original Commons Registration Act 1965 still remains on the statute book in all the other registration areas in England and in the whole of Wales. Secondly, the fact of devolution has provided a further complication in the legislative process. The effect of devolution is that the implementation of the provisions of the Act will occur at different stages in England and Wales, and will occur in different ways. It has therefore been necessary to include in this second edition both sets of legislative provisions as they currently operate side by side in England and Wales.

It is in these circumstances that the second edition came to be written and published with all due acknowledgement to the hard work put into it by others. I should express my gratitude to Richard Honey who has played an essential part in the process leading to the publication of this work. I also wish to give my especial thanks to the contributors who have devoted their time to the production of the following chapters: Mark Westmoreland Smith for his work on chapters 8, 13 and 14, and to Annabel Graham Paul for her work on chapters 9, 14 and 16. I also wish to thank David Rees, an Assistant Land Registrar at the Land Registry, Telford Office, who has provided me with gentle textual suggestions on the land registration aspects arising in relation to commons and greens. Finally, I should state that this work probably would not have seen the light of day had it not been for the support given to me over the years by Hugh Craddock whose

knowledge of the law of commons and greens is without exception.

In conclusion I echo the words of Dr Gadsden in his preface in the first edition where he refers to having written the work with “... the intention of providing assistance to those who have to grapple with the various legal problems which occur on the common lands.” In this second edition I have taken up that challenge and I hope that this work will still continue to provide a necessary and concise source for the law on commons and greens for many years to come. I have attempted to state the law as at November 2011.

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November 2011

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McKay v City of London Corporation (1966) 17 P. & C.R. 264	11-07
McLaren v Kubiak [2007] EWHC 1065 (Ch)	14-118, 14-119, A1-05
McManus v Cooke (1887) L.R. 35 Ch. D. 681	3-67
Medicaments and Related Classes of Goods (No 2), Re [2001] 1 W.L.R. 700	14-114
Medstead Village Green, Medstead, Hants (1979) 214/D/1 13	14-12
Mellor v Spateman (1668) 1 Wms. Saund. 343; 85 E.R. 495	2-77, 7-17, 7-19, 8-114