

JW

COMMONS REGISTRATION ACT 1965



Reference Nos. 260/D/200-202

In the Matter of Hinton Common (40.301 ac), Dryham
and Hinton Avon (NO.2)

DECISION

These disputes relate to the registrations at Entry Nos. 1 and 2 in the Rights Section of Register Unit No.G/CL405 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. Ob. 187 made by Mrs M E Shepherd and noted in the Register on 24 June 1973, Objection No. Ob.369 made by the Dryham and Hinton Parish Council and noted in the Register on 19 July 1972, and Objection No. Ob.691 made by the former Gloucestershire County Council and noted in the Register on 3 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Bath on 20 July 1983. The hearing was attended by the Parish Council who was represented by Mrs S.Rae, its Clerk and the Avon County Council by Miss D Jenkins, Evans, Solicitor. There was no appearance by or on behalf of Mrs Shepherd or of Mrs Higgins, Mrs Organ, Mr Clarke, and Mr V U R Higgins, the applicants for the registrations.

Since there was no evidence in support of either of the registrations, I refused to confirm them. On being informed that Mrs Higgins had not received notice of the hearing, I set aside my decision and reopened the hearing at Bath on 21 February 1984.

The reopened hearing was attended by Mr Alan Aylesbury, of Counsel, on behalf of Mrs Higgins and Mr Clark (Mrs Organ being deceased) and Mr Higgins, and by Mrs Rae on behalf of the Parish Council. Mrs Rae, however, did not take any part in the proceedings.

By my decision in In the Matter of Hinton Common (40.301 ac), Dryham and Hinton (No. 1), (1984) Ref. Nos. 260/D/197-199 I have excluded certain land from the Register Unit. I was satisfied on the evidence called by Mr Aylesbury that there is a right to graze 40 Cattle over the land still comprised in the Register Unit and over those parts of Register Unit No.CL.404 edged red on Inset Map of sheet ST77 NW of the Register Map attached to Healey Court Farm and a similar right attached to the land adjoining Healey Court Farm, known as Hill Farm.

I therefore confirm the registrations with the modifications necessary to give effect to the above findings.

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

1984

day of

March

1984

Chief Commons Commissioner