

COMMONS REGISTRATION ACT 1965



Reference Nos. 260/D/191-192

In the Matter of Land at Hinton Common (OS. No. 496)  
Dyrham and Hinton, Avon (No.1)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No.G/CL 435 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. Ob. 186 made by Mr J R W Blathwayt and Objection No. Ob. 370 made by the Dyrham and Hinton Parish Council and both noted in the Register on 12 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Bath on 20 July 1983. The hearing was attended by Mr J D B Milner, of Counsel, on behalf of Mr Blathwayt, and the Dyrham and Hinton Parish Council Council was represented by Mrs S Rae, its Clerk. There was no appearance by or on behalf of Mrs Higgins Mrs Organ, and Mr C N Clarke, the applicants for the registration.

I was informed that the land comprised in the Register Unit consisted of a garden, for which rent is paid to Mr Blathwayt's Trustees.

There being no evidence in support of the registration, I refused to confirm it. On being informed that Mrs Higgins had not received notices 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 Alesbury, of Counsel, on behalf of Mrs Higgins and Mr Clarke (Mrs Organ being deceased), Mr Milner on behalf of Mr Blathwayt, and Mrs Rae, the Clerk of the Parish Council.

Mr Alesbury informed me that there had been some confusion regarding the extent of the land comprised in the Register Unit. That matter having been resolved, Mr Alesbury was instructed not to pursue the application.

In these circumstances I reiterate my refusal 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

23rd

day of

March

1984

Chief Commons Commissioner