

COMMONS REGISTRATION ACT 1965

Reference Nos. 250/D/30

250/D/31

250/D/32

In the Matter of Rodway Hill or Rodway Common,
Mangotsfield Rural, Kingswood District, Avon

DECISION

These disputes relate to the registrations at Entry No. 1 and Entry No. 2 in the Ownership Section of Register Unit No. CL. 63 in the Register of Common Land maintained by the Avon County Council (formerly Gloucestershire County Council) and are occasioned (D/32) by Objection Ob 354 made by Mangotsfield Rural Parish Council and noted in the Register on 18 May 1972 and by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Bristol on 11 March 1976. At the hearing the Rt Hon John Robert Cecil Baron Manners, Captain P W H Studholme and Lady M E Cave were represented by Mr C B Evans, solicitor of Osborne Clarke & Co Solicitors of Bristol, and Mangotsfield Rural Parish Council were represented by Mr S A Rowley solicitor of Lawrence & Co Solicitors also of Bristol.

The Entry in the Land Section being undisputed became final on 1 October 1970. At Entry No. 1 in the Ownership Section, the Parish Council are registered as the owners of all the land ("the Unit Land") comprised in this Register Unit. At Entry No. 2 in the Ownership Section, Lord Manners (therein called the Hon John Robert Cecil Manners) is also registered as the owner of all the Unit Land. The grounds stated in the Objection are:- "(a) The person named as applicant for registration was not entitled to apply in the capacity stated in the register, and (b) the person named as owner was at the date of registration as such not the owner of the land".

In letters dated 3 February and 4 March 1976 to the Commons Commissioners, Osborne Clarke & Co, on behalf of their clients, withdrew their Objection to the registration of the Parish Council as owners. All present at the hearing agreed that I should confirm the said Entry No. 1 and refuse to confirm the said Entry No. 2. In my opinion, I ought to give effect to this agreement; accordingly I confirm Entry No. 1 in the Ownership Section without any modification and refuse to confirm Entry No. 2 in the Ownership Section.

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 17th day of March — 1976

A. A. P. J. J. J.

Commons Commissioner