



In the Matter of Upper Sleight,
Bathford, Avon (No 1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land section of Register Unit No CL 225 in the Register of Common Land maintained by the former Somerset County Council and is occasioned by Objection No O/793 made by the former County Council and noted in the Register on 22 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Bath on 13 July 1978. The hearing was attended by Mr A W James, an officer of the Avon County Council, the successor authority of the Objector. There was no appearance by or on behalf of Mr and Mrs A J Creed, the applicants for the registration in the Rights Section of the Register Unit in consequence of which this registration was made.

Although the grounds of the Objection are stated in general terms to be that the land was not common land at the date of registration, Mr James informed me that in fact it related only to a strip of land 5 feet wide on the eastern boundary of the land comprised in the Register Unit. This strip adjoins a county road and the grass on it is, from time to time, cut by employees of the County Council as highway authority.

In the absence of any evidence that the strip of land falls within the definition of "common land" in Section 22(1) of the Commons Registration Act 1965 I confirm the registration with the following modification:- namely the exclusion of the strip of land 5 feet wide on the eastern side of the land comprised in the Register Unit.

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 31st day of

July

1978

CHIEF COMMONS COMMISSIONER