



In the Matter of Millbank Green Highway of the
Totternhoe Regulated Pasture, Totternhoe,
Bedfordshire (No. 2)

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of Register Unit No. CL 61 in the Register of Common Land maintained by the Bedfordshire County Council and is occasioned by the conflicting registration at Entry No. 1 in the Rights section of the same Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Bedford on 7 July 1982. The hearing was attended by Mr E Lander, an administrative assistant in the County Secretary's office, on behalf of the County Council, who did not adduce any evidence in support of either registration.

Since it was held by Walton J. in In the Matter of Enclosure 225 Sutton Common, Wimborne, Dorset, (1981), The Times, 3 December that once a registration requires confirmation the person registering must be prepared to establish his case, and that a Commons Commissioner should insist on the burden of proof being discharged to his satisfaction so as to establish, if possible, that the registration has been properly made, I can do no other than refuse 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 22nd day of July 1982

Chief Commons Commissioner