



In the Matter of four pieces of land at Knowl Hill,
Hurley, Windsor and Maidenhead District, Berkshire

DECISION

This dispute relates to the registration at Entry No. 3 in the Rights Section of Register Unit No. CL19 in the Register of Common Lane maintained by the Berkshire County Council and is occasioned by Objection No. 189 made by Hurley Parish Council and noted in the Register on 31 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Windsor on 18 July 1978. At the hearing Hurley Parish Council were represented by Mr G Perrott their clerk.

The registration was made on 19 April 1967 pursuant to the application of General Sir Andrew Thorne (he died in 1970) and Miss M D Thorne. As modified as a result of a letter dated 3 July 1973 written by her ("estovers, turbarry" deleted), it now reads "To graze two horses and two cows".

In a letter dated 5 July 1978, Miss Thorne says that she withdraws the registration of grazing rights, and gives a number of reasons why she does so with great reluctance.

Mr Perrott said (in effect):- Miss Thorne was as regards some of the matters mentioned in her 1978 letter, mistaken. The right claimed would be isolated (there are no other subsisting Entries in the Rights Section) and if the right existed, she would have had some evidence.

Having regard to the withdrawal in the 1978 letter and in the absence of evidence, I conclude that the registration should not have been made, and for this reason I refuse to confirm it.

I 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 6th — day of October — 1978

a. a. Baden Fuller

Commons Commissioner