



In the Matter of Shrill Down and Compton Several

Down, East Ilsley, Newbury D

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section and No. 1 in the Rights section of Register Unit No. CL 147 in the Register of Common Land and the Entry at No. in the Land Section of Register Unit No. CL 151 in the Register of Common Land maintained by the Berkshire County Council and are occasioned by Objections No. 152 and 153 both made by the Agricultural Research Council and both noted in the Register on 28 January 1971, and Objection No. 71 made by H Wilson and Sons and noted in the Register on 4 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Reading on 26 June 1979. The hearing was attended by Mr R F Barlow, Counsel, instructed by the Treasury Solicitor.

The East Ilsley Parish Council, by a letter dated 22 June 1979 addressed to the Clerk to the Commons Commissioners, and received on 25 June 1979 and written on its behalf by its solicitor, C F Lewis, notified the Commons Commissioners that it did not intend to pursue its application for the Registration of the lands as common land, and it did not attend the hearing. The successor to the applicant for Rights had previously notified the Registration Authority and the Objectors that he did not intend to pursue the claim for Rights on Unit No. CL 146. For these reasons I refuse to confirm the Registrations.

Mr Barlow applied for costs against the Parish Council, he made his application on two grounds, first that the registration was manifestly misconceived, the land were enclosed, cultivated and occupied by the Council and were clearly not waste and secondly, the withdrawal by the Council was too late to obviate its attendance at the hearing and prepared to maintain its objections. Mr Barlow did not press his first submission with a view to maintaining a good relationship between the Council and the Parish Council for the Parish in which it operates and he limited his application to the Councils costs of attending the hearing. On 31 May 1979, Mr Lewis on behalf of the Parish Council, applied for an adjournment. If at this stage the Parish Council had given consideration to its case the costs incurred by the Objectors would have been saved. I award the Agriculture Research Council its costs of and incidental to its appearance at the hearing against the East Ilsley Parish Council on Scale 4 with the Registrars discretion.

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

31<sup>st</sup>

day of July

1979

G. A. Little

Commons Commissioner