



COMMONS REGISTRATION ACT 1965

Reference No 8/D/18

In the Matter of Duric Well, Foolow,
West Derbyshire District, Derbyshire

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL. 84 in the Register of Common Land maintained by the Derbyshire County Council and is occasioned by Objection No 21 made by Mr. Baxter Eyre and noted in the Register on 9 December 1971.

I held a hearing for the purpose of inquiring into the dispute at Matlock on 22 January 1974. At the hearing Mr Eyre was represented by Mr K V Malkin solicitor of Potter Brook Taylor & Wildgoose, Solicitors of Matlock and at his request, being told that there was a possibility of an agreed decision, I adjourned the proceedings.

I held the adjourned hearing on 26 January 1977 at Derby. At this hearing Derbyshire County Council as registration authority were represented by Mr T O Jones solicitor in the County Secretary's Department. There was no other attendance, but previously to the hearing there had been sent to the Clerk of the Commons Commissioners a request signed by or on behalf of Mr J E Ollerenschaw (the applicant for registration), Mr Eyre, the County Council, the District Council and Foolow Parish Meeting that the Commons Commissioner do refuse to confirm the registration.

In my opinion I ought to give effect to this request and accordingly I 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 28th day of January 1977

a. a. Baxter Fuller

Commons Commissioner