



COMMONS REGISTRATION ACT 1965

Reference No. 37/D/22

In the Matter of Land at Town Salts,  
Rye, East Sussex

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG.55 in the Register of Town or Village Greens maintained by the former East Sussex County Council and is occasioned by Objection No. 180 made by the Kent River Authority and noted in the Register on 28th April 1972.

I held a hearing for the purpose of inquiring into the dispute at Lewes on 9th April 1975. The hearing was attended by Mr. B.P.M. Bayliss, the applicant for the registration, and by Mr. A.B. Dawson, of counsel, on behalf of the Southern Water Authority as successor to the Objector.

Mr. Bayliss informed me that he could not support this registration. Mr. Dawson then applied for an order for costs against Mr. Bayliss. In support of his application Mr. Dawson referred to a letter of 14th June 1973 in which the Chief Executive Officer of the Objector asked Mr. Bayliss to disclose particulars of the grounds upon which he had based his application for the registration and a similar letter of 8th April 1974 to neither of which letters Mr. Bayliss replied. Mr. Bayliss gave no satisfactory explanation of his failure to answer either of these letters, but told me about some conversations which he had had with representatives of the Water Authority.

I always hesitate before deciding to award costs against an applicant for a registration who has no personal interest in the matter and believes himself to be acting in the public interest. However, it seems to me that it was unreasonable of Mr. Bayliss not to answer either letter. Furthermore, each letter contained a warning that an application for costs might be made. I have therefore, come to the conclusion that Mr. Bayliss ought to pay the Water Authority's costs on County Court Scale 4.

For these reasons 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

12~~th~~

day of

May

1975

  
 Chief Commons Commissioner