



COMMONS REGISTRATION ACT 1965

Reference Nos.37/D/26-28

In the Matter of South Bank, Rock Channel,
Rye, East Sussex.

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No.VG 58 in the Register of Town or Village Greens maintained by the former East Sussex County Council and are occasioned by Objection No.34 made by the Crown Estates Commissioners and noted in the Register on 13th August 1970, Objection No.182 made by the Kent River Authority and noted in the Register on 28th April 1972, and Objection No.207 made by the County Council and noted in the Register on 14th August 1972.

I held a hearing for the purpose of inquiring into the dispute at Lewes on 9th and 10th April 1975. The hearing was attended by Mr B.P.M.Bayliss, the applicant for the registration, Mr S.J.Sher, of counsel, on behalf of the Crown Estates Commissioners, Mr A.B.Dawson, of counsel, on behalf of the Southern Water Authority, the successor of the Kent River Authority, and Mr W.J.P.Clements, solicitor, on behalf of the County Council.

Mr Bayliss informed me that, having discussed the matter with the advisers of the Objectors, he did not wish to pursue his application.

In these circumstances I refuse to confirm the registration.

Mr Sher and Mr Dawson applied for orders for costs against Mr Bayliss. So far as the Water Authority's costs are concerned, this case seems to me to be indistinguishable from In the Matter of Middle Salts, Rye (1975) Ref.No.37/D/21, and I shall therefore order Mr Bayliss to pay the Water Authority's costs on County Court Scale 4. So far as the Crown Estates Commissioners' costs are concerned, Mr Bayliss does not appear to have been so clearly at fault: indeed, he said that it was impossible to settle the matter until all the parties were got together. However this may have been, I was favourably impressed by Mr Bayliss's readiness to withdraw once it had been made clear to him that his registration could not be supported, and I have come to the conclusion that he should not be ordered to pay the costs of the Crown Estates Commissioners.

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 30th day of April 1975

Chief Commons Commissioner