



COMMONS REGISTRATION ACT 1965

Reference No. 37/D/68

In the Matter of Telscombe Tye (part)  
Telscombe, East Sussex (NO. 1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land section of Register Unit No. CL.23 in the Register of Common Land maintained by the former East Sussex County Council and is occasioned by Objection No. 30 made by the late Mrs D Neville and Mr R C Neville and noted in the Register on 13 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Lewes on 14 and 15 March 1979. and at Watergate House, London WC2 on 2 March 1979. The hearing was attended by Miss Sheila Cameron, of Counsel, on behalf of the Trustees of the Charity known as Gorham's Gift, the applicants for the registration, and by Mr Ian McCulloch, of Counsel, on behalf of Mr Neville.

The land comprised in the Register Unit was the subject of a deed of exchange made 8 November 1949 between (1) William Elijah McComb (2) Charles William Neville (3) The County Council of the Administrative County of East Sussex whereby this land was given in exchange for parts of the common land known as Telscombe Tye, which were acquired by the former County Council under the East Sussex (Telscombe Tye) Compulsory Purchase Order 1948. It was provided by para. 4 of the Order that the land comprised in the Register Unit should be subject to the same rights as the land for which it was given in exchange. It was accepted by Mr McCulloch that the latter land was subject to rights of grazing.

It therefore follows that I must confirm the registration. Miss Cameron asked for an order for costs in favour of her clients. Since the Objector was unsuccessful and was solely concerned with his own property, I can see no reason why he should not pay the costs of this dispute to be taxed on County Court Scale 4, if not agreed.

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 17<sup>th</sup> day of May 1979

  
Chief Commons Commissioner