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COMMONS REGISTRATION ACT 1965

Reference No. 213/D/190

In the Matter of Lower Cow Pasture, Shuthonger Common, and Cowham, Twyning, Gloucestershire (No.8)

## DECISION

This dispute relates to the registration at Entry No. 6 in the Ownership Section of the Register Unit No. CL 46 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Conflicting registration at Entry No. 7 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Cheltenham on 28 and 29 March 1979 and at Watergate House, London WC2 on 9 and 10 April 1979. The hearing was attended by Mr Martin Roth, of Counsel, on behalf of Mr B C Ball, the applicant for the conflicting registration. There was no appearance by or on behalf of Mr A W Jones and Ms G E Jones, the applicants for the registration, since their interest in the land the subject of the registration has since been acquired by Mr Ball.

The land the subject of the registration consists of two areas in Lower Cow Pasture. The interest of the applicants is described as the "First Math". For the reasons given in my decision In the Matter of Lower Cow Pasture, Shuthonger Common and Cowham Twyning (No.3) (1979) Reference No. 213/D/185, I have come to the conclusion that a conveyance of the first math of land in Lower Cow Pasture does not convey the freehold, but only a profit à prendre.

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 5 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

1979

Chief Commons Commissioner