



COMMONS REGISTRATION ACT 1965

Reference No. 213/D/4

In the Matter of Stockwell Common, Woodmancote,
Tewkesbury District, Gloucestershire.

DECISION

This dispute relates to the registration at Entry No. 2 in the Rights Section of Register Unit No. CL.87 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No. 08 575 made by Cheltenham Rural District Council and noted in the Register on 6 December 1972.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 13th May 1975. At the hearing Tewkesbury Borough Council (being in relation to this matter the successors of Cheltenham Rural District Council) were represented by Mr. J.G. Daniels.

The land described in the Land Section of this Register Unit is known as Stockwell Common, and contains (according to the Register) about 7.4 acres; the registration in this Section, being undisputed, has become final. The said Entry No. 2 was made pursuant to the application of Mrs. Josephine Gladness Hinton, and is "the registration at Entry No. 12 of Register Unit CL. 20. includes the right of common over the whole of the land comprised in this register unit."; her application was for registration of grazing rights for 50 sheep, 2 goats and 2 horses over Stockwell Common (the land comprised in this Register Unit) and over Cleeve Common. The grounds of the said Objection are:- "that the Council as the authority responsible under a scheme made in 1932, for the regulation and management of the common land comprised in the above named register unit CL.87, have no record or evidence that the rights of common claimed, as entered against the above registration No. 2, are vested in the applicant, or that any such rights exist in relation to the land which the same are claimed to be attached".

Mr. Daniels produced a letter dated 7 May 1975 from Wragge & Co. Solicitors of Birmingham in which they confirm a telephone conversation with Mr. Daniels of April 23 that their Client Mrs. J.G. Hinton does not wish to proceed with her application for grazing rights over Stockwell Common. He also produced a print of a scheme dated 9 August 1932 and approved by the Minister of Agriculture and Fisheries on 15 August 1932 and made under the Commons Act 1899 by the Rural District Council of Winchcomb for the regulation of Stockwell Common and another common with which I am not concerned; by the Scheme it is provided that the Commons therein mentioned shall thenceforth be regulated by the Scheme and the management thereof shall be vested in the Council.

In view of the expressed wish of Mrs. Hinton not to proceed with her application for grazing rights, I can, I think, properly conclude that the land was never at any now relevant time subject to the right referred to in the said Entry No. 2, and that the Borough Council need not support the Objection with any more evidence than outlined above.



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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 20th —

day of May —

1975

a. a. Baden Fuller

Commons Commissioner