



In the Matter of The Grass Verges adjoining
The Green and The Old Pound, Twynning,
Gloucestershire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 318 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No. Ob. 583 made by Mr B C Ball and noted in the Register on 8 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Cheltenham on 25 November 1980. The hearing was attended by Miss Sheila Cameron, of counsel, on behalf of the Objector, who informed me that she was instructed not to pursue the Objection.

In these circumstances I confirm the registration.

Mr Ball is registered in the Ownership section of the Register Unit as the owner of the whole of the land comprised in the Register Unit. To this registration there was no Objection. Mr Ball conveyed the land to the Twynning Parish Council on 17 October 1980, and I was asked to substitute the Parish Council for Mr Ball in the registration because the registration is stated in the Register to be provisional. On considering the matter, I have come to the conclusion that I have no jurisdiction to do this. Mr Ball's Objection to the registration in the Land section is to be treated by virtue of section 5(7) of the Commons Registration Act 1960 as being also an objection to the registrations in the Rights section of the Register Unit, but there is no similar provision whereby it can be treated as being also an objection to a registration in the Ownership section. Had Mr Ball's Objection been sustained and the registration in the Land section been cancelled in consequence, the County Council, as registration authority, would have been required by section 6(3) of the Act to cancel the registration in the Ownership section, but in my view this is the only power to deal with a registration in the Ownership section to which there has been no Objection.

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

2nd

day of

December

1980

Chief Commons Commissioner