



COMMONS REGISTRATION ACT 1965

Reference Nos. 213/D/41, 42 and 43

In the Matter of The Green, Hampnett
Cotswold D.

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and the deemed Entry Nos. 1 to 5 inclusive in the Rights Section of Register Unit No. VG. 46 in the Register of Town or Village Greens maintained by the Gloucestershire County Council and are occasioned by Objection No. 66 made by Lt. Col. and Mrs Jenkins and noted in the Register on 8th October 1970 and the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL.113 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 13th October 1976. The hearing was attended by Miss B P Bellamy on behalf of the Hampnett Parish Meeting and Mr Leckie, Council, instructed by Messrs. Gregory Rowcliffe and Co., on behalf of Lt. Col. and Mrs Jenkins.

Miss Bellamy gave evidence that except for a period of 4 years the in 1954/8 she had lived in the village since the end of 1947 and she bought her cottage in 1958. She stated that she had played games with children on the land in question but conceded that these activities amounted to no more than children and others availing themselves of the land for their enjoyment from time to time. Miss Bellamy accepted that this use of the land did not amount to its use for lawful sports and pastimes and she further accepted that this use had been discontinued prior to 1965 and that it had not been so used for a continuous period of 20 years prior to 1965.

In the absence of any evidence that the land in question is a village green as defined in the Act of 1965 I refuse to confirm the registration.

I am required by regulation 30 (1) of the Commons 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 29th day of October 1976

C. A. Little

Commons Commissioner