



In the Matter of The Severn Ham  
Tewkesbury, Tewkesbury District

DECISION

These disputes related to the registration at Entry Nos. 1 to 165 inclusive excluding Nos.25, 48, 65, 111, 115, 116, 118, 141 and 163 in the Rights Section of Register Unit No.CL.21 in the Register of Common Land maintained by the Gloucestershire County Council and are occasioned by Objection No.245 made by Mr Smale Town Clerk of Tewkesbury and noted in the Register on 3rd January 1972, Objection No.247 made by the Trustees of Tewkesbury Commons noted in the Register on 3rd January 1972, Objection No.1 made by Mr,Snale Town Clerk of Tewkesbury noted in the Register on 10th February 1969 and Objection No.13 made by the Trustees of Tewkesbury Commons noted in the Register on 15th July 1969.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 17th February 1976. The hearing was attended by Mr.N.H.K. Coleman of Messrs Thomson and Badham on behalf of the Trustees of Tewkesbury Commons and Tewkesbury Town Council, Mr J Hopkins, Mrs Butwell, Miss Bowen and Mrs Woodfin appeared in person.

Mr. Coleman produced a printers copy of an Act of 30th June 1808 whereby, the half year grazing rights on Severn Ham were vested in Trustees upon trust to let the same and the hay and divide the net rents and profits unto and between such of the Burgesses or Freemen of the Borough of Tewkesbury and such occupiers of houses within the said Borough as would respectively have been entitled to Rights of Common over the same as if the Act had not passed into a law according to their respective rights and interests.

The registration of the land as common land in the Land Section and the Registration of the Trustees grazing rights (No.166 in the Rights Section) are final. These last mentioned rights are the only subsisting rights; the interests of the persons referred to in the Act are limited to shares in the net rents and profits and they are not entitled to any rights of common. This was not disputed by those applicants who appeared in person their concerns were with the appointments of trustees, the administration of the trust and the preservation of the Ham as the picturesque meadow which it now is. I am happy to say that the administration of the Trust, constituted in 1808, and which must present many difficulties in 1976 is no concern of mine. There is every reason to believe that with the assistance of Mr.Coleman these difficulties will be overcome.

For the reason given above I refuse to confirm all the registrations in the Rights Section other than No.166 is already final.

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

9<sup>th</sup>

day of March.

1976

C. A. Settle

Commons Commissioner