



COMMONS REGISTRATION ACT 1965

Reference No 214/D/83 &amp; 84

In the Matter of Yateley Green,  
Yateley, Hart D

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and all the subsisting Entries in the Rights Section of Register Unit No CL. 27 in the Register of Common Land maintained by the Hampshire County Council and occasioned by Objection No OB 112 made by Lt Col R Leyland and noted in the Register on 18 December 1969.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 4 May 1978. The hearing was attended by Mr Hayman-Smart of Messrs Stevens & Bolton on behalf of Lt Col Leyland, by Lt Col Leyland in person and by Mr B D Adams on behalf of Yateley Town Council.

Lt Col Leyland's objection was to a small area of just over half an acre, which he said and which Mr Adams agreed had been wrongly included in the registration. A number of applicants for rights had also notified the registration authority that they agreed to the exclusion of the land, the subject of the objection, from the registration. The remaining applicants for rights did not appear. In these circumstances I confirm the Entry at No 1 in the Land Section modified by the exclusion of the land identified on the plan annexed to Objection No OB112 and I confirm all the subsisting rights applications as applicable to the modified Entry in the Land Section.

Lt Col Leyland invited me to make an award of costs in his favour against the applicants for rights who did not agree to the modification of the Entry in the Land Section prior to the hearing. It was open to Lt Col Leyland to secure the consent, without a hearing and not having taken that course a hearing was inevitable. The applicants concerned cannot be said to be blameworthy and I have no alternative but to refuse to make an award of costs. I have much sympathy for Lt Col Leyland who has been put to expense through no fault on his part, but I cannot penalise other innocent parties. It is possible that the costs involved in procuring a decision by consent would have been no less than the cost of attending the hearing.

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 12<sup>th</sup> day of July 1978

*A Little*

of these applicants to my giving a decision by consent