



In the Matter of Clifford Common, Clifford,  
Hereford and Worcester  
(No 2)

DECISION

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This dispute relates to the registration at Entry No 2 in the Rights section of Register Unit No CL 76 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No 33 made by Capt L N Hope and noted in the Register on 7 June 1971.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 16 February 1978. The hearing was attended by Mr S R Southall, the applicant for the registration and by Mr R C Smallwood, solicitor, on behalf of the Objector.

The registration is of rights to graze, a right of estovers, and a right to fish one rod for salmon, trout, or coarse fish. The Objection relates only to the right to fish.

Mr Southall has never fished for salmon, and Mr Smallwood accepted that he had acquired a right to fish for coarse fish by prescription. However, there was evidence that during the last 15 years the bank had been so overgrown that it had been virtually impossible to fish for trout, and Mr Southall adduced no evidence regarding trout fishing during this period.

In these circumstances I confirm the registration with the following modification:- namely, the deletion of the words "salmon, trout or".

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

6th

day of

March

1978.

CHIEF COMMONS COMMISSIONER