



COMMONS REGISTRATION ACT 1965

Reference Nos. 215/D/13
to 16 inclusiveIn the Matter of Cromer Common,
Leominster Town, Leominster District,
Hereford and Worcester CountyDECISION

These disputes relate to the registrations at Entry No. 1, 2 and 3 in the Rights Section of Register Unit No. CL 156 in the Register of Common Land maintained by the Hereford and Worcester (formerly Herefordshire) County Council and are occasioned by Objection No. 41 made by Brasenose College Oxford and noted in the Register on 8 June 1971, by Objection Nos. 219 and 220 made by Thos E Molyneux and noted in the Register on 2 August 1971, and by Objection No. 367 made by Mr John Henry Griffiths and noted in the Register on 21 October 1971.

I held a hearing for the purpose of inquiring into the disputes at Hereford on 9 November 1976. At this hearing having been informed by Mr W D Turton solicitor of Lloyd & Son, Solicitors of Leominster that the parties to these disputes were considering an application under regulation 31 of the Commons Commissioners Regulations 1971 for a decision by consent without a hearing, I adjourned the proceedings without hearing any evidence.

I held the adjourned hearing at Hereford on 7 February 1978. At this hearing (1) Mr John Francis Woodworth (the applicant for the now final Land Section registration) was represented by Mrs M Woodworth of Little Acre, Newtown Lane; (2) Mr Griffiths (not only the said Objector but also the applicant for Rights Section Entry No. 1 and for the Ownership Section Entry) was represented by Mr Turton; (3) Mr Robert John Scandrett and Mrs Sylvia Mary Scandrett (the applicants for Rights Section Entry No. 2 and also a noted applicant in relation to the Land Section registration) were also represented by Mr Turton; (4) Brasenose College, Oxford (the said Objectors) also represented by Mr Turton, his firm acting as agents for Marshall & Galpin, Solicitors of Oxford; (5) the Executors of Mr T E Molyneux (the said Objector) also represented by Mr Turton (he did not know their names) his firm acting as agents for A H Cooper, Solicitors of Leominster; (6) the Welsh Water Authority were represented by Mrs R E Gurkin, being their solicitor for the Wye Area.

Mr Turton said the draft deed disposing of these disputes had been prepared, but owing to a change of ownership it had been necessary to redraft it; in the circumstances he asked for an adjournment.

Mrs Woodworth objected saying that there was a public footpath across the land and this had been obstructed by a fence. I said I had no jurisdiction to deal with any questions arising from this obstruction. Mrs Gurkin said that the Water Authority was only concerned because they knew that there was a sewer underneath the land. In these circumstances I adjourned the proceedings.

I held the further adjourned hearing at Hereford on 12 February 1981. At this hearing Mr and Mrs Scandrett and Mr Griffiths were represented by Mr Turton as before. After some discussion I said that if an application was made to me



before 12 May 1981 by either Mr Griffiths or Mr and Mrs Scandrett or by the Executors of Mr John Llewelyn Jenkins (the applicants for Rights Section Entry No. 3 and now deceased) or by any of their successors to the title I would adjourn the proceedings once again, but if no such application was made I would give a decision refusing to confirm the Rights Section registration now in dispute. Mr Turton said that he was authorised by Gadd & Co, Solicitors of Hereford who are acting for the Executors or other successors in title of Mr Jenkins to say that they were aware of the course of these proceedings; he also said that Marshall & Galpin, Solicitors of Oxford who act for Brasenose College and J H Cooper, Solicitors of Leominster who act for the executors or trustees of Mr Molyneux were aware of this hearing.

No application for an adjournment has been made. I have before me a letter dated 17 April 1974 from Russell Baldwin & Bright, Auctioneers, Surveyors, Valuers, Land and Estate Agents of Leominster enclosing a report made 8 October 1973 by Mr H R Lyke and containing proposals for the reorganisation of Crowmoor and adjoining lands; and also a copy of letters indicating that the person signing them agreed these proposals and would comply with the report as soon as it has been finalised by other parties. However the 1974 letter indicated that one small ownership could not be traced by any documents. In my view it is in the public interest that these proceedings should be finalised in some way whether or not this report has been agreed by all concerned. It appearing that no person interested in supporting the said Rights Section registrations is prepared to do so, I conclude that they should not have been made. Accordingly I refuse to confirm the registrations at Entry Nos. 1, 2, or 3 in the said Rights Section.

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 21st day of June — 1981.

a. a. Baden Fuller

Commons Commissioner