



COMMONS REGISTRATION ACT 1965

Reference Nos 215/D/304
to 306 inclusive

In the Matter of Long Meadow,
Pembridge and Eardisland,
Leominster District, Hereford
and Worcester County

DECISION

These disputes relate to the registration at Entry No. 2 in the Rights Section of Register Unit No. CL136 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No. 304 made by Mr Vere Egerton Cotton, Mr Bertram Lyle Rathbone and Mr William Rathbone and noted in the Register on 26 November 1970, and by Objection No. 312 made by Mr Evan Edward Thomas Evans and noted in the Register on 30 November 1970; and to the registration at Entry No. 2 in the Ownership Section of the said Register Unit and is occasioned by Objection No. 264 also made by Mr E E T Evans and noted in the Register on 13 September 1971.

I held a hearing for the purpose of inquiring into the disputes at Hereford on 12 February 1981. At the hearing Mr Evans who not only made the said Objection, but also was the applicant for the registration at Rights Section Entry No. 5, was represented by Mr W D Turton solicitor of Lloyd & Son, Solicitors of Leominster.

The land ("the Unit Land") is a tract extending to about 31 acres. The disputed registration, both made on the application of Mr James Andrew Bridges, are:- Rights Section No. 2 of a right attached to land at East Street Pembridge to graze 2 horses and 6 head of cattle and 12 sheep; and Ownership Section Entry No. 2 of his ownership of a part of the Unit Land about 25 yards long and about 15 yards wide.

Mr Turton suggested that in the absence of any other evidence I could treat the Objections signed by his client as evidence of the facts stated in the grounds therein set out, which were as follows: (to the Rights) "that James Andrew Bridges is not entitled to the grazing rights claimed or to graze at all on the Long Meadow"; and (to the Ownership) "that the area coloured pink on the accompanying plan (which I have signed) does not belong to the Claimant, James Andrew Bridges, but the freehold thereof belongs to me and I hold the title documents".

As to the Objection of Messrs Cotton, Rathbone & Rathbone grounds of which are "that the alleged rights do not exist":- I have copies of letters dated 29 April and 3 September 1974 from Lambe Corner & Co Solicitors of Hereford (see file 215/D/289 relating to Register Unit No. CL141) saying in effect that Milmoors and Long Meadow had been purchased by their clients Mrs J Lloyd and Mr T F Lloyd from Messrs Cotton, Rathbone & Rathbone (thereby effecting transfer of the objections to the registration); and second that Mrs J Lloyd and Mr T F Lloyd had sold Milmoors to Mr Robert Bernard Davies of New Mills Farm and "the Plots in Long Meadow have been sold to Mr Evan Edward Thomas Evans ..."

I doubt whether there is any general rule that in the absence of any other evidence, the grounds of objection can be treated as more cogent than the statutory declaration made by the applicant in support of a registration; I doubt too whether there is



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any general rule that in the absence of any other evidence an applicant who fails to attend a hearing should be treated worse than an Objector who does. However I am by the 1965 Act required to give a decision whatever may be the evidence offered at the hearing. I have some small knowledge of the Unit Land, having walked over part of it on 10 February 1978 following a hearing about a dispute relating to the nearby land in Register Unit No. CL141. Although it is possible, it is perhaps rather unlikely that there is a grazing right such as that recorded at Entry No. 2 over all the Unit Land attached to a property so remote as East Street; further I think the information before me shows that Mr Evans has sufficient connection with the Unit Land to call upon Mr Bridges to prove his rights; on these rather slight grounds my decision is that the right was not properly registered. As to the ownership:- it is also rather unlikely the piece in question, very small in comparison to the whole of the Unit Land, should be in separate ownership; so upon similar grounds my decision about ownership is similar.

For these reasons I refuse to confirm the registrations.

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 decisions is sent to him, require me to state a case for the decision of the High Court.

Dated this 18th — day of May - 1981

a. a. Baden Fuller

Commons Commissioner