



COMMONS REGISTRATION ACT 1965

Reference Nos 215/D/105,106
and 107

In the Matter of Malvern Common Roadside
Verge, Part in the Parish of Malvern &
Guarlford, Malvern Hills D

DECISION

These disputes relate to the registrations at Entry Nos 1 in the Land Section and 1 to 10 and 12 to 30 in the Rights Section of Register Unit No.CL.18 in the Register of Common Land maintained by the former Worcestershire County Council and are occasioned by Objection No 50 made by the Trustees of the Madresfield Estate and noted in the Register on 20 November 1970 and Objection No 37 made by the Malvern Hills Conservators noted in the Register on 13 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Worcester on 16 June 1976. The hearing was attended by Mr J D Schooling on behalf of the Malvern Hills Conservators, Mr Wade on behalf of the applicant for rights under Entry No. 9. The applicant under Entry Nos 12,14,17 and 20 appeared in person.

As regards the Entry in the Land Section, Mr Schooling and the Rights applicants agreed that I should confirm that Entry modified so as to exclude the land the subject of the Trustees of the Madresfield Estates' Objection which will be identified on a plan to be annexed to my direction.

I confirm all the Entries in the Rights Section mentioned above other than Entries Nos 9 and 12, which I refuse to confirm. Major Boaz the applicant under Entry No 5 did not appear owing to circumstances beyond his control. Subsequent to the hearing Major Boaz has agreed with the Conservators that his application for rights shall be modified as set out below and the Conservators have withdrawn their objection to his application as modified. Mr Wade agreed that I should refuse to confirm Entry No 9 and Mr Ballard has Entries under other Units on the Malvern Hills which I have confirmed for the animals which he has claimed to graze on this Unit.

The following Entries which I have confirmed are to be modified as follows:-

- Entry No.5 by substituting for all the words to column 4 the following words:-
"The right to graze 40 sheep or 8 cattle or 8 horses on this unit.
- Entry No.6 by substituting for all the words in column 4 the following words:-
"The right to graze 5 sheep or 1 head of cattle or 1 horse on this Unit."
- Entry No.14 by substituting for all the words in column 4 the following words:-
"The right to graze one pony at any one time over this Unit and over Unit No.CL.17."



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Entry No.17 by substituting for all the words in column 4 the following words:-
"The right to graze one pony over this Unit".

Entry No.20 by substituting for all the words in column 4 the following words:-
"The right to graze over this Unit 37 $\frac{1}{2}$ stints each of 10 sheep or
2 cattle or 2 horses."

I am requires 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

25th

day of

September

1976

C A Settle

Commons Commissioner