



COMMONS REGISTRATION ACT 1965

Reference No 215/D/104

In the Matter of Part of Malvern Common,  
Malvern, Malvern Hills D

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DECISION

This dispute relates to the registration at Entry Nos 10 and 17 in the Rights Section of Register Unit No CL. 17 in the Register of Common Land maintained by the former Worcestershire County Council and is occasioned by Objection No 36 made by the Malvern Hills Conservators and 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 and by Mr Ballard and Mr Jones in person respectively the applicants for rights under Entry Nos 10 and 17.

I have confirmed Mr Ballard's applications all for the same animals under three other units on the Malvern Hills. I was told that this Unit is remote from his farm and that it is improbable that he has ever grazed this Unit and for this reason I refuse to confirm Entry No 10.

Mr Jones has a paddock which will sustain a pony and wishes to maintain the right to graze a pony on this Unit and CL. 18 and Mr Schooling agreed that he should have that right. I therefore confirm Entry No 17 modified for substituting for all the words in column 4 the following words:-

"The right to graze not more than one pony over this Unit and Unit No CL. 18 at any one time."

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 5<sup>th</sup> day of July 1976

C A Sefton

Commons Commissioner