



COMMONS REGISTRATION ACT 1965

Reference Nos 215/D/281
215/D/282
215/D/283
215/D/284

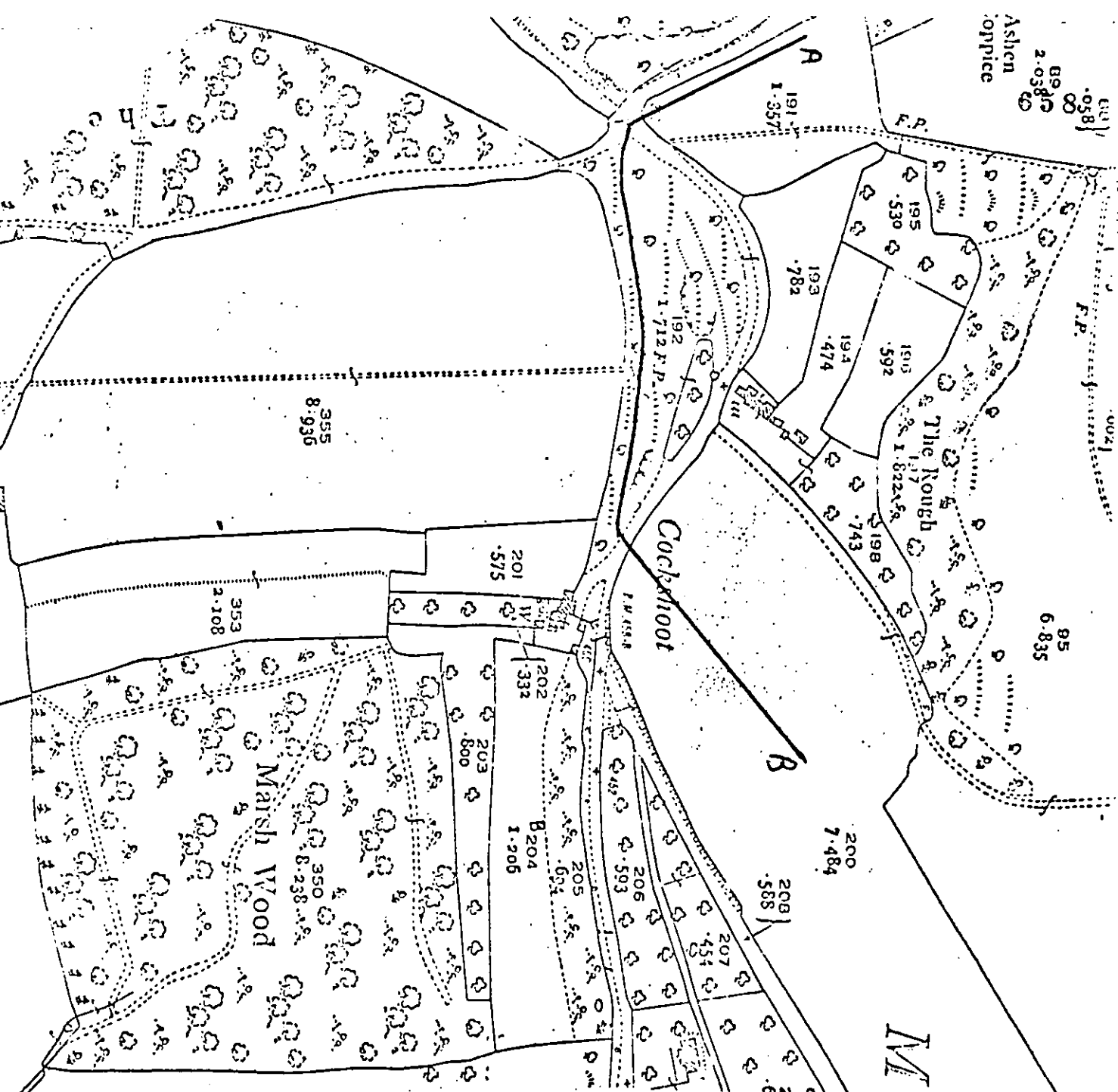
In the Matter of the Waste of Cockshoot,
Swardon Waste and Clouds Waste, Mordiford,
South Herefordshire District, Hereford and
Worcester

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section, at Entry No 1 in the Rights Section and at Entry No 1 in the Ownership Section of Register Unit No CL. 108 in the Register of Common Land maintained by the Hereford and Worcester County Council and are occasioned by Objection Nos 404 and 405 made by the Public Trustee and noted in the Register on 19 January 1971 and by Objection No 438 made by Mr Andrew Thomas Foley and noted in the Register on 7 January 1972.

I held a hearing for the purpose of inquiring into the disputes at Hereford on 9 February 1978. At the hearing (1) Mr Foley (in addition to being an Objector, he is registered as owner of all the land at Ownership Section Entry No 1) was represented by Mr J W King solicitor of Bannister & King, Solicitors of Stourbridge; (2) Mordiford Parish Council were represented by Mr G H Davies solicitor of Beaumont, Smith & Davies, Solicitors of Hereford; and (3) the Public Trustee (in addition to being an Objector, Rights Section Entry No 1 was made on his application) was represented by Mr V T Jordan solicitor of Gwynne James and Eland, Solicitors of Hereford.

Mr King, Mr Davies and Mr Jordan said that Mr Foley, the Parish Council and the Public Trustee were agreed as to the terms of the decision I should make, being: (i) Objection No 404 (the only Objection to the Land Section registration) should be withdrawn, (ii) Mr Foley withdrew his claim to the ownership of so much of the land ("the Unit Land") comprised in this Register Unit as was edged pink, edged blue and coloured yellow on the plan ("the Agreed Plan") which for the purposes of identification was signed by Mr Jordan and Mr King and a copy of which (with the addition below mentioned) forms page 2 of this decision; (iii) the Public Trustee withdrew his Objection No 405 (the only Objection to the Ownership Section registration) so far as it related to the land edged green on the Agreed Plan; and (iv) the Rights Section Entry should be modified as hereinafter set out. I said at the hearing that I would be, and I am still, willing to give a decision in accordance with the agreement, but I have since the hearing noticed that the land edged pink, edged blue and coloured yellow in the Agreed Plan does not include all the Unit Land as shown on the Register map, in that a small piece ("the Omitted Piece") south of the road and north of the northeast corner of OS No 201, north of the north boundary of OS No 202 and north of the northwest corner of OS No 205 is, although part of the Unit Land, not coloured at all on the Agreed Plan. From the maps available to me, I consider that the Omitted Piece, if it is of any importance at all, should go with the land edged blue, and accordingly unless an application is made to me as hereinafter mentioned, my decision is as follows:-



COMMONS REGISTRATION ACT 1965

Re: Waste of Cockshoat, Swardon Waste, and Clouds Waste, Mordiford, Hereford

Ref Nos: - 215/D/281-283

This map is a copy of the map called "The Agreed Map" in the decision dated 23 February 1978 and made by the Commons Commissioner in this matter, with the addition of the line AB as mentioned in such decision.

a a B. J. Fisher

Commons Commissioner



I confirm the registration at Land Section Entry No 1 without any modification, I confirm the registration at Rights Section Entry No 1 with the modification that for the words "(a) 6 sheep or (b) 6 goats or equivalent 3 sheep to equal one beast" the following words be substituted "6 sheep or 2 head of cattle", and I confirm the registration in the Ownership Section with the modification that for the words now in column 4 there shall be substituted the following: "The part of the land comprised in this Register Unit is or is part of that known as Waste of Cockshoot, being the part north of the red line AB on sheet no 117 of the Map Register", such line AB to be drawn in accordance with the line AB marked on the map being page 2 of this decision (being a copy of the Agreed Plan with the line AB marked on it by myself).

Any of the persons represented at the hearing have liberty to apply to me as to any correction which ought to be made in the preceding paragraph of this decision to bring it in line with the agreement made at the hearing. Any such application should be made within 42 days from the date on which notice of this decision is sent to the applicant, and in should in the first instance be made by letter addressed to the Clerk of the Commons Commissioners.

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 28th day of February — 1978

a. a. Baden Fuller

Commons Commissioner