



In the Matter of The Green, Hambridge, Somerset.

121

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 182 in the Register of Common Land maintained by the Somerset County Council and is occasioned by Objection No. 0/125 made by Mr R T Combe and noted in the Register on 5 January 1971.

Mr Commissioner <sup>Morris Smith</sup> held a hearing for the purpose of inquiring into the dispute at Taunton on 9 and 10 May 1979. The hearing was not attended by any person entitled to be heard, so on the only evidence available to him, namely, the statutory declaration made by Mr K H Chorley in support of the application by the Curry Rival Parish Council, the learned Commissioner confirmed the registration by his decision dated 6 July 1979.

It was subsequently discovered that these proceedings were a nullity, because no notice of the hearing had been served on Mr Combe.

I re-heard the matter at Taunton on 28 July 1981. At that hearing Mr Combe was represented by Mr T H R Poole, solicitor. There was no appearance by or on behalf of the Parish Council, but in a letter dated 21 July 1981 addressed to the Clerk of the Commons Commissioners the Clerk to the Parish Council stated that the Council wished to "withdraw" the application.

In these circumstances I refuse to confirm the registration.

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

6th

day of

August

1981

*[Handwritten Signature]*

Chief Commons Commissioner