



In the Matter of Lye Green, Claverdon,
Warwickshire (NO. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 5 in the Register of Common Land maintained by the Warwickshire County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. VG 37 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Stratford on Avon on 19 May 1982. The hearing was not attended by any person entitled to be heard.

There being no entry in the Rights Section of the Register Unit, the land comprised in it could only fall within the definition of "common land" in Section 22 (1) of the Commons Registration Act 1965 if it were waste land of a manor. It could only be waste land of a manor if it were in the ownership of the lord of the manor. There is no entry in the Ownership Section of the Register Unit, so there is no evidence as to whether the owner of the land is the lord of a manor of which the land is waste.

The onus of proving the validity of the registration is upon the applicant for it. That onus has not been discharged, so I therefore 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

27th

day of

May

1982

G. Smith

Chief Commons Commissioner