



COMMONS REGISTRATION ACT 1965

Reference Nos. 38/D/37
38/D/38

In the Matter of Breach Pond and Waste
and other Land, Pagham, West Sussex.

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.2 in the Register of Common Land maintained by the West Sussex County Council and are occasioned by Objection No.8 made by Mr. Thomas Hender and Objection No.100 made by Mrs. Vera Ward and noted in the Register on 11st December 1968 and 20th March 1970 respectively.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 6th July 1973. The hearing was not attended by any person entitled to be heard.

The applicant for the registration was Mr. William Richard Folland. Mr. Folland died on 9th October 1969.

Before the hearing there was sent to the Clerk to the Commons Commissioners a document dated 26th June 1973 and signed by or on behalf of all the persons entitled to be heard at the hearing of dispute No.38/D/37, occasioned by Mr. Hender's objection, requesting that the registration should be refused. Having regard to the existence of dispute No.38/D/38, occasioned by Mrs. Ward's objection, in respect of which there was no consent, I decided that this was not a case in which it would be proper for me to give a decision by consent under regulation 31 of the Commons Commissioners Regulations 1971. However, on 29th June 1973 Mrs. Ward wrote to the Clerk to the Commons Commissioners stating that she had been informed that the application for the registration had been "withdrawn" and that she was not proposing to be present at the hearing.

In these circumstances, it seems to me to be proper to give a decision which is in accordance with the wishes of the surviving parties, as stated in writing, even though the requirements of regulation 31 for a decision by consent have not been satisfied in respect of dispute No.38/D/38.

For these reasons 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 26th day of July 1973

Chief Commons Commissioner