



COMMONS REGISTRATION ACT 1965

Reference Nos.238/D/3-4

In the Matter of Chilgrove Hill and  
Chilgrove Common, West Dean,  
West Sussex (No. 3)

## DECISION

These disputes relate to the registration at Entry No. 1 in the Rights section of Register Unit No. CL 31 in the Register of Common Land maintained by the former West Sussex County Council and ~~are~~ occasioned by Objection No. 103 made by Mr O.C.Ottaway and noted in the Register on 20th March 1970 and Objection No. 358 made by the County Surveyor and noted in the Register on 1st January 1971.

I held a hearing for the purpose of inquiring into the disputes at Chichester on 18th June 1975. The hearing was attended by Mr P. R. Brown, solicitor, on behalf of the County Surveyor and by Mr D. S. Forbes, solicitor, on behalf of Mr C.H.Youngman, the successor in title of Mr Ottaway. Mr M. E. Carter, the applicant for the registration, did not appear and was not represented.

Mr Forbes informed me that the reason for Mr Carter's non-appearance was that he had decided not to support the registration in consideration of a payment of £200 made to him by Mr Youngman.

In the absence of any evidence to support the registration, I refused to confirm it. However, after notice of my decision was sent to Mr Carter he applied to me to reopen the hearing and set aside my decision under reg. 21 of the Commons Commissioners Regulations 1971. I granted this application and reopened the hearing at Chichester on 11th June 1976.

The land comprised in the Register Unit consists of two areas divided from each other by a road running from east to west. It appears that the payment of £200 made by Mr Youngman related only to the rights registered by Mr Carter over the land on the south side of the road known as Chilgrove Hill, <sup>and</sup> although Mr Youngman's objection was worded in such a way that it could relate to the whole of the land comprised in the Register Unit, Mr Youngman does not in fact object to Mr Carter's registration in so far as it relates to the land on the north side of the road, known as Chilgrove Common.

Since Mr Carter's registration is now unopposed in so far as it relates to Chilgrove Common, I shall confirm it with the following modification, namely the substitution in column 4 for the words "land contained in this register unit" of the words "part of the land contained in this register unit known as Chilgrove Common."

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 21<sup>st</sup> day of July 1976.

  
Chief Commons Commissioner