



COMMONS REGISTRATION ACT 1965

Reference No. 238/D/63

In the Matter of The Green, WardleyInterim DECISION

This dispute relates to the registration at Entry No 1 in the Rights Section of Register Unit N^o.CL.301 in the Register of Common Land maintained by the West Sussex County Council and is occasioned by Objection No. 117 made by West Sussex County Council and noted in the Register on 18 May 1970.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 31 January 1979. The hearing was not attended by any person entitled to be heard.

There was handed to me at the hearing an agreement made between Viking Holdings Ltd and the West Sussex County Council requesting me to confirm the Entry in the Rights Section modified so as to limit the grazing right to the land other than that owned by the County Council.

I had prior to the hearing received a most helpful letter from Mrs P M D Gollan which stated, inter alia that Mr Ascoli on behalf of Viking Holdings Ltd had on the mistaken advice of his legal advisers registered grazing rights over the company's land. If Mrs Gollan's information is accurate there are no grazing rights and I will refuse to confirm the entry. The grazing rights registered are so unusual viz: "To graze cattle for two days at any one time" the precise meaning of which is obscure that the existence of the right claimed is open to doubt.

The registration in the Land Section is final and there will have to be an unclaimed land reference at which the County Council and the company if it is the owner, will have to attend to prove their respective titles. In these circumstances I adjourn this matter to be heard together with the unclaimed land reference and I express the hope that the registration authority will refer the question of ownership, if it has not already done so, as soon as possible.

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 12 day of March 1979

J. A. Little

Commons Commissioner