

In the Matter of The Green, Wardley,  
West Sussex.

DECISION

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

The late Mr Commissioner Settle Q.C. 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, but it appears from the learned Commissioner's interim decision, dated 12 March 1979, that there was handed to him an agreement made between Viking Holdings Ltd, the applicant for the registration, and the West Sussex County Council requesting him to confirm the registration modified so as to limit the right to the part of the land comprised in the Register Unit not owned by the County Council. The learned Commissioner stated that he had received before the hearing a letter from Mrs P M D Gollan which stated that Mr Ascoli on behalf of Viking Holdings Ltd had on mistaken advice registered grazing rights over the company's land. The learned Commissioner further stated that if Mrs Gollan's information was accurate he would refuse to confirm the registration. There being no registration in the Ownership Section of the Register Unit, the learned Commissioner adjourned the matter to be heard with the unclaimed land reference, and he expressed the hope that the registration authority would refer the question of ownership as soon as possible.

The unclaimed land reference was made on 27 June 1980. Unfortunately, Mr Commissioner Settle had been killed in a road accident some months previously, so that reference was heard by me at Chichester on 18 February 1981. On the evidence adduced at the hearing I was satisfied that the West Sussex County Council was the owner of a small part of the land comprised in the Register Unit and that Viking Holdings Ltd was the owner of the remainder. I was also satisfied that Viking Holdings Ltd had been the owner of the part then owned by the County Council between 1956 and 1960.

I held a hearing for the purpose of inquiring into the dispute at Chichester on 7 May 1982. The hearing was not attended by any person entitled to be heard, but it is clear on the evidence adduced before me at the hearing in 1981 that if there ever was any right of common over the land comprised in the Register Unit, it has been extinguished by unity of possession.

For this reason I refuse to confirm the registration.

I am required by regulation 30(†) 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

25<sup>th</sup>

day of

May

1982

  
Chief Commons Commissioner