



COMMONS REGISTRATION ACT 1965

Reference No 238/U/26

In the Matter of Waltham Brooks,
Coldwaltham, Horsham District,
West Sussex

DECISION

This reference relates to the question of the ownership of land known as Waltham Brooks, Coldwaltham, Horsham District being the land comprised in the Land Section of Register Unit No CL. 308 in the Register of Common Land maintained by the West Sussex County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 13 April 1978. At the hearing Mr Dennis William Marten of Gennets Farm, North Heath, Pulborough (as successor in title to Mr P T K Anderson on whose application Rights Section Entry No 1 was made) was represented by Mr K C Bentall solicitor of Eager & Sons, Solicitors of Horsham.

Mr Bentall said that the 2 Bullock Leazes registered at Entry No 1 in the Rights Section were conveyed to Mr Marten by a conveyance dated 19 February 1970 but he could not make any claim to the freehold of the land.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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 20th day of April — 1978

C. A. B. Fuller

Commons Commissioner