



COMMONS REGISTRATION ACT 1965

Reference No.241/D/30

In the Matter of Britford Green,
Britford, Wiltshire (No.2)

DECISION

This dispute relates to the registration at Entry No.1 in the Rights Section of Register Unit No.CL 60 in the Register of Common Land maintained by the former Wiltshire County Council and is occasioned by Objection No.68 made by Mr J.S.Whittle and noted in the Register on 23rd June 1972.

I held a hearing for the purpose of inquiring into the dispute at Salisbury on 26th February 1975. The hearing was attended by Mr Jonathan Fulthorpe, of counsel, on behalf of the Objector. Mr P.F.Whaley, one of the applicants for the registration, was present at the beginning of the hearing of the related dispute relating to the registration at Entry No.1 in the Land Section of the Register Unit, but left before the time came for him to present his case in this dispute.

In these circumstances, being without any evidence in support of the registration in the Rights Section, I can only refuse to confirm it.

Mr Fulthorpe applied for an order for costs against Mr Whaley (his co-applicant having died since the making of the application for the registration). Since this dispute is concerned solely with Mr Whaley's private claim, I can see no reason why he should not suffer the usual penalty of a litigant who does not pursue his claim, and I shall therefore order Mr Whaley to pay the Objector's costs of this dispute on County Court Scale 2.

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 March 1975

Chief Commons Commissioner