



COMMONS REGISTRATION ACT 1965

Reference No 241/D/5 to 12 inclusive

In the Matter of Hillwood and Southern
Section of Erlestoke, Erlestoke, West
Wiltshire D and Kennet D

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and Entry No 1 in the Ownership Section of Register Unit No CL. 79 in the Register of Common Land maintained by the Wiltshire County Council and are occasioned by the Objections set out in the Schedule to this decision.

I held a hearing for the purpose of inquiring into the dispute at Trowbridge on 28 June 1977.

The hearing was attended by Mr S J Sher counsel instructed by the Treasury Solicitor on behalf of the Ministry of Defence, Mr G L E Short of Messrs Gough's on behalf of W T A Smith and Mr K A Rippin of Messrs Awdry Wyles and Bailey on behalf of C G Porter. Mr D Hebblethwaite attended on behalf of the Wessex Water Authority.

This case came on for hearing immediately after References 241/D/1 to 4 relating to Unit No CL. 77 in the absence of Mr Mutters who registered the land as Common Land and claimed ownership of the whole of the land.

This case is indistinguishable from that relating to Unit No CL. 77 both as regards the proceedings taken and the substance of the disputes. Mr Mutters had no evidence to support his claim to ownership nor had he any evidence that the land was commonland as defined in the Act of 1965. A copy of my decision relating to Unit No CL. 77 is annexed to this decision and for reasons identical with those given in the decision relating to Unit No CL. 77 I refuse to confirm both Registrations.

It is right that I should mention that Mr Mutters unlike Mrs Wheeler did attend a meeting with representatives of the Ministry of Defence and Mr Sher provided me with a copy of the minutes of that meeting prepared by the Ministry. Mr Mutters took no heed of the warnings he received at that meeting and thereafter took the same negative course as Mrs Wheeler. In these circumstances I award each of the Objectors costs on Scale 4 with the Registrar's discretion against Mr Mutters.

The Schedule above referred to

Objection Nos 7 & 8 both made by the Ministry of Defence and both entered on the Register on 11 October 1971

Objections Nos 70 and 71 both made by W T A Smith and both entered on the Register on 6 September 1972



Objection Nos 72 and 73 both made by C G Porter and both entered on the Register on 6 September 1972

Objection Nos 88 & 89 both made by H M G Ashworth and both entered on the Register on 7 November 1972

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 22nd day of *august* 1977

G A Settle

Commons Commissioner