



COMMONS REGISTRATION ACT 1965

Reference No 241/D/32 and 33

In the Matter of Rowde Clears or  
Clears Common, Rowde, Kennet D.

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and Entry No 1 in the Rights Section of Register Unit No CL. 73 in the Register of Common Land maintained by the Wiltshire County Council and is occasioned by Objection Nos 53 and 51 both made by H Akerman & Sons and both noted in the Register on 20 September 1971.

I held a hearing for the purpose of inquiring into the dispute at Trowbridge on 30 June 1977. The hearing was attended by Mr P C D Bell of Messrs Mann Rodway & Green on behalf of C H Kellow & Son and by Mr A J Arnold of Messrs Awdry Wyles & Co on behalf of H Akerman & Sons.

This land is enclosed and divided by a fence which was erected in 1949 pursuant to an agreement that Mr Buckley the predecessor of C H Kellow & Son and Mrs Edith Akerman the predecessor of H Akerman & Sons should each have exclusive occupation of one of the two parts of the land divided by the said fence, and they have since 1949 have had exclusive occupation of their respective parts of the land.

From 1943 to 1949 the Wiltshire War Agricultural Executive Committee occupied the land and paid rent to Edith Akerman who also paid for reseeded the land when it was derequisitioned. On the evidence made available to me the legal position would appear to be that Edith Akerman was the owner of the land in 1949 and that Buckley had common rights over the remainder of the land, and at the hearing both parties agreed that this is the position as they understand it. There was no dispute that Akerman's land is not subject to common rights and is not common land. In my view Kellow's land is owned by them and not subject to common rights and is not common land, but Kellows might consider obtaining a conveyance of that land from Akermans. Mr Bell on reflection considered that his clients best interests would be served by not asking me to confirm his Entry in the Rights Section limited to the land other than Akerman's land and for this reason I refuse to confirm the Registrations.

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 22<sup>nd</sup> day of August

1977

*G. A. Little*

Commons Commissioner