



COMMONS REGISTRATION ACT 1965

Reference No. 241/D/74

In the Matter of The Common,
Marlborough, Wiltshire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 37 in the Register of Town or Village Greens maintained by the Wiltshire County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL 62 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Salisbury on 9 December 1980. The hearing was attended by Mr M A Cluer, the Town Clerk of Marlborough. The registration was made by the former Wiltshire County Council as registration authority, and the conflicting registration was made by the former Marlborough Corporation.

There was no appearance on behalf of the County Council and the Town Council as a concerned authority did not support the registration.

There are two registrations in the Rights Section of the Register Unit. One was made on the application of Mr Roy Brodrick and the other on the application of Mr H Hallewell. Both were the subject of an objection made by the Town Clerk of the former Borough of Marlborough. Mr Brodrick informed the Clerk of the Commons Commissioners by letter dated 28 October 1980 that he did not wish to pursue his claim, and Mr Hallewell's solicitors made a similar statement in a letter dated 25 November 1980.

In these circumstances I refuse to confirm the registration.

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

17th

day of

December

1980

Chief Commons Commissioner