



COMMONS REGISTRATION ACT 1965

Reference No 241/D/39

In the Matter of The Green,
Rodbourne, North Wiltshire D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No VG. 35 in the Register of Town or Village Greens maintained by the Wiltshire County Council and is occasioned by Objection No 52 made by Sir J M H Pollen Bart and noted in the Register on 11 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Trowbridge on 28 June 1977. The hearing was attended by Mr J Toogood of Messrs Forrester and Forrester on behalf of Sir J M H Pollen. Messrs Forrester & Forrester in June 1975 sent to the Wiltshire County Council a form of consent signed by all the parties entitled to be heard at a hearing other than the Wiltshire County Council and invited the County Council to sign that form so as to enable the matter to be disposed of without a hearing in accordance with Regulation 31 of the Commons Commissioners Regulations 1971 (SI No 1727 of 1971). The County Council in a letter dated 11 June 1975 stated that it was unwilling to sign the said form of consent and it did not appear at the hearing to raise any objection to my refusing to confirm the registration as requested by the other parties entitled to be heard. For this reason I refuse to confirm the Registration. Mr Toogood applied for costs against the County Council. A representative of the County Council was present at the hearing and he confirmed that it was the policy of the County Council not to sign consents for the purposes of Regulation 31, and that when requested so to do the County Council does not consider either the merits of the case or whether it has any interest which it may wish to protect at a hearing. The refusal by the County Council, for no good reason, to sign the said form of consent has put Sir J M H Pollen to unnecessary expense, and I award him the costs incurred by him from and after 11 June 1975 against the County Council on Scale 4.

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 Little

Commons Commissioner