



COMMONS REGISTRATION ACT 1965

Reference No. 260/D/10

In the Matter of Goose Green, Yate,
North Avon District, Avon

DECISION

This dispute relates to the registration at Entry No. 1 in the Rights Section of Register Unit No. VG. 5 in the Register of Town or Village Greens maintained by the Avon County Council (formerly Gloucestershire County Council) and is occasioned by Objection No. Ob. 171 made by Yate Parish Council and noted in the Register on 15 June 1973.

I held a hearing for the purpose of inquiring into the dispute at Bristol on 9 March 1976. At the hearing Yate Parish Council were represented by Mr H G Wheway their clerk.

The land ("the Unit Land") in this Register Unit is known as Goose Green, comprises six pieces of grassland (with some trees) containing (as I estimate from the Register map) between 2 and 3 acres, and situated around a road junction where Church Road turns east towards Yate Rocks. The registration objected to was made on the application of Mr B G Rubery and is of a right attached to Beech Cottage of pasture for 1 horse, 1 cow and 2 geese. The grounds stated in the Objection are: "There are no such rights over Goose Green as those claimed by Mr Rubery".

Mr Wheway, who has been clerk of the Parish Council since June 1974 and was before from 1957 clerk of Sodbury Rural District Council, in the course of his evidence produced the Yate Inclosure Award dated 10 November 1845 (made under the Yate Inclosure Act 1842, 5 & 6 Vict.c.8) by which there were allotted unto the Churchwardens and Overseers for the time being of the Parish of Yate 4 pieces of land as places of exercise and recreation for the inhabitants of the said Parish and neighbourhood including "...ONE other piece of land called Goose Green numbered 577 on the said Map containing two acres three roods and thirty-six perches...".

Mr Wheway identified the Unit Land (a little more or less) with that numbered 577 on the Award map, and contended that the allotment made by the Award was inconsistent with there being any rights over the Unit Land such as had been registered.

In the absence of any evidence or argument by or on behalf of Mr Rubery, I conclude that the registration made on his application should not have been made. For these reasons 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 18th day of March —

1976

a. a. Baden Fuller

Commons Commissioner