

COMMONS REGISTRATION ACT 1965



Reference Nos. 260/D/210-215

In the Matter of Hinton Common (6.20 ac.),  
Dyrham and Hinton, Avon (No.2)

DECISION

These disputes relate to the registrations at Entry Nos. 1, 2 and 3 in the Rights Section of Register Unit No. G/CL 404 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. Ob. 368 made by the Dyrham and Hinton Parish Council and noted in the Register on 19 July 1972 and Objection No. Ob. 690 made by the former Gloucestershire County Council and noted in the Register on 3 January 1973.

I held a hearing for the purpose of inquiring into the disputes at Bath on 20 July 1983. The hearing was attended by Miss D Jenkins Evans, Solicitor, on behalf of the Avon County Council, and the Dyrham and Hinton Parish Council was represented by Mrs S Rae, its Clerk. There was no appearance by or on behalf of Mr P G Girdlestone, the applicant for the registration at Entry No. 1, Mrs M Higgins, Mrs J M Organ, and Mr C N Clarke, the applicants for the registration at Entry No. 2, and Mr V U R Higgins, the applicant for the registration at Entry No. 3.

In the absence of any evidence I refused to confirm any of the registrations. On being informed that Mrs Higgins had not received notice of the hearing, I set aside my decision and reopened the hearing at Bath on 21 February 1984.

The reopened hearing was attended by Mr Alun Alesbury, of Counsel, on behalf of Mrs Higgins and Mr Clarke (Mrs Organ being deceased) and Mr Higgins, and by Mrs Rae on behalf of the Parish Council. Mrs Rae, however, did not take any part in the proceedings. There was no appearance by or on behalf of Mr Girdlestone, who, I was informed, is deceased, or anyone claiming to have succeeded to his interest.

By my decision in In the Matter of Hinton Common (6.20 ac.), Dyrham and Hinton (No. 1), (1984) Ref. Nos. 260/D/208-209. I have excluded certain land from the Register Unit. I was satisfied on the evidence called by Mr Alesbury that there is a right to graze 40 cattle over the land still comprised in the Register Unit and over those parts of Register Unit No. CL 405 edged ~~West~~ on Inset Map E of sheet ST 77 NW of the Register Map attached to Healey Court Farm and a similar right attached to the land adjoining Healey Court Farm, known as Hill Farm.

I therefore confirm the registrations at Entry Nos. 2 and 3 with the modifications necessary to give effect to the above findings, and I reiterate my refusal to confirm the registration at Entry No. 1.

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

23<sup>rd</sup>

day of

March

1984

Chief Commons Commissioner