



COMMONS REGISTRATION ACT 1965

Reference Nos. 12/D/41
12/D/42

In the Matter of Land near Spread
Eagle Public House, Ford End,
Great Waltham, Chelmsford D.

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. VG.150 in the Register of Town or Village Greens maintained by the Essex County Council and are occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL.257 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into these disputes at Colchester on 25 February 1975. The hearing was not attended by any person entitled to be heard and the Great Waltham Parish has registered the land in question both as a Village Green and as Common Land. Since the Parish Council failed to appear at the hearing I must assume that it is a matter of indifference to it which registration is to prevail.

There are no Entries in the Rights Section of the Register and for this reason and because inspection of the Register map suggests that it is more appropriate I confirm the Registration at Entry No. 1 in the Land Section of Register Unit No. VG.150 and refuse to confirm the Registration at Entry No. 1 in the Land Section of Register Unit No. CL.257. A further reason for taking this course is that in the absence of any Entry in the Ownership Section of the Register the land will in due course, if no person can satisfy a Commons Commissioner that he is the owner of the land, be vested in the Parish Council who will then assume responsibility for its maintenance.

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

4th

day of

March

1975

Commons Commissioner