



In the Matter of Bankley Lots in the  
parish of Kings Stanley

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL.193 in the Register of Common Land maintained by the Gloucestershire County Council and is occasioned by Objection No. Ob. 170 made by Mrs M Savage and noted in the Register on 19 May 1972, and to the registration at Entry Nos 1-3 in the Rights Section of the same Register Unit in the said Register occasioned by Objection No. OB 170 made by Mr S M Savage and noted in the Register on 17 May 1972.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 10 December 1980. The hearing was attended by Mr Mugford of Messrs. A E Smith and Co, Solicitors of Stroud who appeared for Mrs Savage the objector and for Mr E J King one of applicants in the rights section.

The reference had come before Mr Commissioner Baden Fuller in November 1978 and had been adjourned to enable the parties to reach agreement.

The reference concerned an objection in the land section and an objection to all applications in the rights section.

The Register Unit consists of three O S Nos. 80 81 and 82.

Mr Mugford informed me that Mrs Savage had reached an agreement with six out of ~~the~~ <sup>the eight</sup> rights applicants for rights but the remaining two applicants at Entry Nos 6 and 7 had not yet signified their agreement or disagreement despite pressure for a reply, neither did they appear at the hearing.

The terms of the agreement were that:

1. the registration in the land section be confirmed with the exclusion of fields O.S. Nos. 81 and 82.
2. the applications in the rights section be ~~confirmed~~ <sup>Confirmed</sup> subject to the following modifications:
  - (a) grazing to be from 1st August to 1st November in each year
  - (b) Maximum permitted number shall not exceed four cattle (one adult beast being the equivalent of two yearlings)
  - (c) The owner shall have the right to graze 2 cattle
  - (d) The benefit of grazing the remaining 2 cattle shall be drawn by lots annually from the list of those entitled to graze by right of common upon the Bankley Lots under the supervision of the King's Stanley and Selsley Graziers Association and the owner of Bankley Lots.

In the case of the two applicants who had not signed the agreement and did not appear I would normally have refused to confirm the registration of their applications. In answer to a question from me Mr Mugford said that it was open to both these applicants to accede to the agreement.



For these reasons I confirm the registration at Entry No 1 in the Land Section with the modification that only Field O S Nos. 80is subject to the registration. I also confirm the registration in the rights section with the modifications previously set out.

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 13<sup>th</sup> day of March 1961

*George Hammett*

Commons Commissioner