



COMMONS REGISTRATION ACT 1965

Reference Nos 213/D/127 & 128

In the Matter of Rodborough
Common, Rodborough, Stroud D

DECISIONINTERIM DECISION

These disputes relate to the registrations at Entry Nos 38 and 39 in the Rights Section of Register Unit No CL. 57 in the Register of Common Land maintained by the Gloucestershire County Council and are occasioned by the said conflicting registrations.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 13 October 1977. The hearing was attended by Mr F H Adams of Messrs A E Smith & Son on behalf of the Rodborough Committee of the National Trust the owner of the land. He raised certain problems which have arisen in relation to the land in question but I was unfortunately unable to give him any assistance with regard to these problems. If I correctly understood Mr Adams one of his problems is that part of the common was not registered. It occurs to me that this problem might be solved by the owner of the land granting by deed common rights over this land to those entitled to common rights over the registered land and that an application to amend the register could then be made pursuant to Section 13(b) of the Act of 1965.

Some of the Entries in the Rights Section are provisional because the rights are claimed to be exercisable over both this Unit and Unit No CL. 58, including the Entries 38 and 39 the subject of these references. It occurs to me that the Entries in the Rights Section could if need be be varied by agreement and the register amended accordingly under Section 13(c). If Mr Adams will attend the adjourned hearing of the disputes relating to CL. 58 it is possible that a method of bringing CL. 57 into line with CL. 58 may be devised.

As regards the conflict which has given rise to these disputes for the reason given above I cannot give a final decision until I give a decision on CL. 58.

Neither Mr Halliday (Entry No 38) the owner of Swells Hill Farm, nor Mr G H Smith (Entry No 39) the owner of Greystones Farm and the tenant of Swells Hill Farm appeared.

The course I propose to take unless Mr G H Smith appears to argue otherwise is to resolve this conflict by confirming Mr Halliday's Entry No 38 and modifying Mr G H Smith's Entry No 39 by limiting his right to 60 beasts and deleting the reference to Swells Hill Farm in column 5 of the Rights Section.

In the result Mr G H Smith will still be entitled to 70 beasts so long, but only so long as he is the tenant of Swells Hill Farm.

The claimants for rights over CL. 57 which are provisional only should be represented at the adjourned hearing relating to CL. 58.

Dated this 17th day of March

1978

J A Little