



COMMONS REGISTRATION ACT 1965

Reference Nos. 213/D/9
213/D/10

In the Matter of Rushmire Hill, Wotton-
under-Edge, Stroud D., Gloucestershire

DECISION

These disputes relate to the registration at Entry No. 1 in the Rights Section of Register Unit No. CL.356 in the Register of Common Land maintained by the Gloucestershire County Council and occasioned (D/9) by Objection No. Ob.59 made by Mr. R.E. Newman and noted in the Register on 18 January 1971 and (D/10) by Objection No. Ob.520 made by Gloucestershire County Council as Highway Authority and noted in the Register on 15 December 1972.

I held a hearing for the purpose of inquiring into the disputes at Gloucester on 14th May 1975. The hearing was not attended by any person entitled to be heard.

The land is described in the Land Section as: "A piece of land known as Rushmire Hill containing 5.890 acres or thereabouts in the Parish of Wotton-under-Edge" and the Register map shows it as north of Coombe. The registration was made on the application of the Wotton-under-Edge Parish Council and Burial Board. The grounds stated in the Objection are :- "That the land was not common land at the date of registration". The grounds stated in the Objection No. Ob.520 are : "That part of the land indicated on the attached plan and thereon coloured red is not Common Land but is land leased to the County Council, and which land is used as a salt dump"; the land so indicated is a small part on the south side.

In a letter dated 22 April 1975 from the Town Council and Burial Board, it is said (in effect) that the Council having given further consideration to the facts of this matter, resolved to withdraw their application for registration, it having been reported that the Objector, Mr. R. Newman of Rushmire Farm is in possession of deeds quite positively proving that he is the lawful owner of the land in question and as the Council's evidence is only circumstantial, it was considered prudent to withdraw.

In the above circumstances I conclude that the Council and Board cannot support the registration which they have caused to be made and accordingly for this reason 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 21st —

day of May 1975

a. a. Baden Fuller

Commons Commissioner