



In the Matter of Clifford Common, Clifford,
Hereford and Worcester
(No 5)

DECISION

This dispute relates to the registration at Entry No 7 in the Rights section of Register Unit No CL 76 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No 36 made by Capt L N Hope and noted in the Register on 7 June 1971.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 16 February 1978. The hearing was attended by Mr M C Mason, the successor in title of Mr W G Mason, the applicant for the registration, who died in 1977, and by Mr R C Smallwood, solicitor, on behalf of the Objector.

The registration is of one rod to fish for salmon, trout, and coarse fish. Neither Mr W G Mason nor Mr M C Mason has ever fished for salmon, and Mr Smallwood admitted that a right to fish for coarse fish had been acquired by prescription. So far as trout fishing is concerned, there was a conflict of evidence. Mr M C Mason, who was born in 1940, said that he had fished for both trout and coarse fish, but Mrs Sarah Mason, his mother, said that there was no trout fishing. Mr Smallwood adduced evidence that during the last 15 years the bank had been so overgrown that it had been virtually impossible to fish for trout.

On this evidence I am not satisfied that there is any right to fish for trout attached to Mr Mason's property known as Wyeseide.

For these reasons I confirm the registration with the following modification, namely, the deletion of the words "salmon, trout and".

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

6th

day of

March

1978

CHIEF COMMONS COMMISSIONER