



In the Matter of Clifford Common, Clifford,
Hereford and Worcester
(No 7)

DECISION

This dispute relates to the registration at Entry No 9 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 38 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 W G M Mason, the applicant for the registration 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. Mr Mason has never fished for salmon, and Mr Smallwood admitted that a right to fish for coarse fish had been acquired by prescription. However, evidence was given by Mrs C E Hope, the wife of the Objector, who has known the land since 1942, and by Mr D D Reid, who has been the Objector's agent since 1964, that during the last 15 years the bank had been so overgrown that it had been virtually impossible to fish for trout. Mrs Hope further said that she had never known of Mr Mason's having fished for trout. Mr Mason, on the other hand, said that he had never found difficulty in fishing for trout. On this evidence I have come to the conclusion that any taking of trout by Mr Mason was not of such a character as to support a claim by prescription.

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

April

1978

CHIEF COMMONS COMMISSIONER