



In the Matter of Coppet Hill, Goodrich and Welsh Bicknor,
Hereford and Worcester (No 13)

DECISION

This dispute relates to the registration at Entry No 19 in the Rights section of Register Unit No CL 126 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No 236 made by Capt W C Ashby and Mrs J C Ashby and noted in the Register on 17 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 16 February 1978. The hearing was attended by Mr R Okell, solicitor, on behalf of the Objectors. There was no appearance by or on behalf of Ms V Thimblethorpe, the applicant for the registration.

The registration is of a right of pannage for one pig and a right of estovers. The Objection relates only to the right of estovers and is worded as follows:-

"That the right to estovers is not defined but a right to cut and take fern, a right to cut and take pea and bean sticks and wood of less than 4 inches in circumference is admitted, for use only on the premises in respect of which the right is claimed".

Since wood, etc. taken in the exercise of a right of estovers can as a matter of law, only be used on the premises to which it is attached, it is sufficient for me, in the absence of any evidence, to confirm the registration with the following modification:- namely the deletion of the words "of estovers" and the substitution of the words "to cut and take fern and to cut and take pea and bean sticks and wood of less than 4 inches in circumference".

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 March 1978

CHIEF COMMONS COMMISSIONER