



In the Matter of Coppet Hill, Goodrich and Welsh Bicknor,
Hereford and Worcester (No 5)

DECISION

This dispute relates to the registration at Entry No 9 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 226 made by Capt W C Ashby and Mrs J C Ashby and noted in the Register on 3 August 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 J A Brand, solicitor, on behalf of Mrs F A M Robinson, the applicant for the registration.

The registration comprises a right to graze and a right of estovers. The Objection relates only to the right of estovers and is worded as follows:-

"That the right of estovers is not defined but a right to cut and take fern and 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".

Mr Brand informed me that Mrs Robinson agreed to the limitation of her rights as mentioned in the Objection.

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 to confirm the registration with the following modifications: 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

J. G. Quill

CHIEF COMMONS COMMISSIONER