



COMMONS REGISTRATION ACT 1965

Reference Nos. 42/D/6 to 12
inclusive

In the Matter of Marsh Green and Lower Common
Castlemorton, Malvern Hills D.,

DECISION

These disputes relate to the registrations at Entry Nos. 1 to 7 inclusive in the Rights Section of Register Unit No. CL.30 in the Register of Common Land maintained by the former Worcestershire County Council and are occasioned by Objection No. 43 made by Brian Edward Smith and noted in the Register on 27 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Worcester on 13 November 1974. The hearing was attended by Mr Marsh of Russell Livingstone Wood & Co. Malvern Solicitors for the objector. None of the applicants for registration appeared or were represented. In the absence of all the applicants I have no alternative but to refuse to confirm each of these registrations.

Mr Marsh asked for costs on Scale 2. Mr Jakeman the applicant under Entry No. 1 notified the Clerk of the Commons Commissioners that he did not intend to appear and support his application. For this reason I make no order for costs against him but I award costs on Scale 2 against the other applicants.

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 22nd day of November 1974

C. A. Settle

Commons Commissioner