



COMMONS REGISTRATION ACT 1965

In the Matter of Sellack Common,
Sallack, South Herefordshire District,
Hereford and Worcester

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry Nos 1 and 2 in the Rights Section of Register Unit No CL 165 in the Register of Common Land maintained by the Hereford and Worcester County Council and are occasioned by Objection Nos 390, 391 and 392 made by Heyland (Hereford) Limited and noted in the Register on 15 and 21 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 12 January 1979. At the hearing Mr John Andrew Child Edwards of Caradoc Court, Sellack was represented by Miss E A Davies, articled clerk with Beaumont Smith & Davies, Solicitors of Hereford as agents of Hall Pratt & Pritchard Solicitors of Bilston, West Midlands.

Miss Davies said that Mr Edwards on 19 December 1977 bought the Caradoc Estate from Heyland (Hereford) Limited (they are not only the objectors, but also in the Ownership Section the undisputed owners of all the land in this Register Unit). She produced a copy letter dated 4 January 1979 written by Hall Pratt & Pritchard to the Rev E H Moseley; the now disputed registrations were made on his application, as regards Entry No 1 in the Rights Section as "parishioner" and Entry No 2 in the Rights Section as chairman of Sellack Parochial Church Council (Owners). The letter indicates that a similar letter was sent to Mr Newton as being or having been clerk of the Parish Council. She also produced a letter dated 8 January 1979 from Mr Moseley in which he says:- "Forms of withdrawal were signed with John Stallard & Co of Worcester, acting for Heyland (Hereford) Limited, as long ago as 14 July 1977. It is very remiss of someone in not passing over all papers at the time of the purchase of Caradoc Court. I have been in touch with the District Agent for Herefordshire with regard to my personal withdrawals and that of the Parochial Church Council concerning Sellack Common. A letter has been sent to him to pass to the Commissioner".

I have on my file a request that the Commons Commissioner do refuse to confirm the registrations made by the Rev E H Moseley of rights of common and to give his decision without a hearing, and this request (dated August 1977) is signed not only by him, but also on behalf of Heyland (Hereford) Limited, Sellack Parochial Church Council, Hereford and Worcester County Council, and South Herefordshire District Council. No action was taken on this request for the reason I suppose, that it was defective in that it does not include the registration in the Land Section and was not in respect of such registration signed on behalf of Sellack Parish Council.

Miss Davies at the hearing applied for an adjournment because this is what the January 1979 letter of Hall Pratt & Pritchard contemplated would then on behalf of Mr Edwards be



done. But in my view I am not obliged to grant this application unless I consider an adjournment would serve some useful purpose. Although the various papers signed by Mr Moseley never seemed to have complied with the regulation which enables a Commons Commissioner to dispose of this matter without a hearing, they indicate clearly enough that neither he nor the Parochial Church Council who he is representing, wish to support the registrations either in the Land Section or in the Rights Section. Having held a hearing of which notice has been given to those entitled to be heard and which has been publicly advertised, I think I can properly conclude (as Mr Evans would I suppose wish me to do) that the registrations should not have been made, and that accordingly there is no good reason why I should adjourn the proceedings or why I should not act on this conclusion.

For the above reasons I refuse the application made on behalf of Mr Edwards to adjourn these proceedings and I refuse to confirm the registrations.

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 12th day of February 1979

A. A. Bostin Fuller.

Commons Commissioner