

COMMONS REGISTRATION ACT 1965

Reference Nos 232/D/2
232/D/3

In the Matter of (1) North Ham,
Goose Marsh and Catsford Common in
Stogursey and Wall Common in
Stogursey and Otterhampton and
(2) Sharpam in Stogursey, in West
Somerset District, Somerset

DECISION

These two disputes relate to the registration at Entry No 13 in the Rights Section of Register Unit (D/2) No CL. 84 and (D/3) No CL. 83 in the Register of Common Land maintained by the Somerset County Council and are occasioned by Objection (D/2) No O/831 and (D/3) No O/830 made by Mr I M Lang and noted in the Registers on 23 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Taunton on 9 November 1977. At the hearing Mr Brendon William John Sellick (as successor in title to his father Mr William John Sellick on whose application the registrations were made) was represented by Mr P J Synge solicitor of Pardoe David & Shaw, Solicitors of Bridgwater.

The registrations are of a right to graze 20 sheep over part of the CL. 84 land and of a right to graze one horse over the whole of the CL. 63 land. The grounds of the Objections (the same in both cases) are: "The person named in the application was not entitled at the date of registration to any interest whatsoever in the Register Unit Number".

Mr Synge drew attention to the registrations at Entry No 12 in the said Rights Sections (both, in the absence of any Objection, became final on 1 August 1972) made on the application of Miss E P F Acland-Hood, and each being of two stockage rights quantified as per Entry No 1 in the Rights Sections, and said (in effect) that Lady E P Gass (at the date of the registrations she was Miss E P F Acland-Hood) acknowledged that one of each of the said two stockage rights in her name is now owned by Mr B W J Sellick as having been conveyed to his late father Mr W H Sellick deceased by a conveyance dated 24 July 1953. Mr Synge produced a document to this effect signed by Lady Gass. In these circumstances he did not ask for confirmation of the registrations now disputed, the position being in relation to them much the same as was the position in relation to Entry No 24 in the Rights Section of Register Unit No 82 (Wick Moor) dealt with at page 6 of my decision dated 3 December 1976 relating to such Register Unit (Reference Nos 232/D/19 to 48 inclusive; part 9 of the Fourth Schedule shows how Mr B M H Sellick became the successor in title of Mr W H Sellick).

Before the hearing, Mr Lang sent two letters both dated 23 November 1977 to the office of the Commons Commissioners saying in effect that there was no need for his Objections to stand in relation to the CL. 84 and CL. 83 land assuming that Mr Sellick and Lady Gass made an arrangement similar, recorded in relation to the CL. 82 land.



Lang cannot as a result of his Objections do better than having the registrations at Entry No 13 avoided altogether, and it is I think irrelevant that Mr Sellick is conceding that I should do this on a basis which does not altogether accord with the grounds set out in the Objections, because as a result of some application which may hereafter be made under section 13 of the 1965 Act one of the stockage rights now registered at Entry No 12 on the application of Lady Gass may at some future time appear on the Register separated from the other and as being in the ownership of Mr Sellick.

It being conceded in the circumstances set out above that the registrations should be avoided, I refuse to confirm them.

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 16th day of January 1978

ae. Bae Felle

Commons Commissioner