



In the Matter of Durhams Warming Drain, Thorne,
South Yorkshire (No. 1)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 115 in the Register of Town or Village Greens maintained by the South Yorkshire Metropolitan County Council and are occasioned by Objection No. 1818 made by Messrs A Firth and Sons and noted in the Register on 19 September 1972, Objection No. 1849 made by Mr A Firth, Mr F Firth, and Mr C P Heptonstall and noted in the Register on 15 September 1972, Objection No. 2006 made by the National Farmers Union, Yorkshire West Riding County Branch and noted in the Register on 26 September 1972, Objection No. 2133 made by the former Thorne Rural District Council and noted in the Register on 23 October 1972 and the conflicting registration at Entry No. 3 in the Land Section of Register Unit No. CL 401 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Thorne on 15 February 1984. The hearing was attended by Mr P M Stowe, Solicitor, on behalf of the Thorne Town (formerly Parish) Council, whose application for the registration was noted under section 4(4) of the Commons Registration Act 1965, Mr Francis Radcliffe of Counsel, on behalf of the Doncaster Metropolitan Borough Council, the successor authority of the former Thorne Rural District Council, Miss Gillian Darley, of Counsel, on behalf of the National Farmers Union, and Mr R M Williams, Solicitor, on behalf of Messrs A Firth and Sons.

There was no appearance by or on behalf of Mr W Bunting, the applicant for the registration.

I gave leave to Mr David Owen, a friend of Mr Bunting, to read a letter from Mr Bunting asking for an adjournment because he was unable to attend the hearing on account of the state of his health and stating that I could get into touch with a medical practitioner whom he named. Since regulation 21 of the Commons Commissioners Regulations 1971 provides for the consideration after a hearing of the sufficiency of the reason for the absence of a person entitled to be heard, I decided not to adjourn the hearing, but to proceed and leave it to Mr Bunting to make an application under regulation 21 for me to reopen the hearing and set aside my decision on such terms as I may think fit. I shall then be able to consider how best to deal with the application in the light of any advice which I may have received from Mr Bunting's medical attendant. Mr Stowe did not adduce any evidence in support of the registration.

Mr Owen volunteered to give evidence under regulation 23(5), but it appeared to me that Mr Bunting's interests would be better served if all the evidence in support of his application were given in his presence, so that he could hear any cross-examination of Mr Owen.

In these circumstances I refuse to confirm the registration.



-2-

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

29th

day of

February

1984

Chief Commons Commissioner