



COMMONS REGISTRATION ACT 1965

Reference Nos. 38/D/1
38/D/2

In the Matter of Mackerel's Common,
Kirdford, West Sussex (No.1).

DECISION

These disputes relate to the registration at Entries Nos.1 and 2 in the Land Section of Register Unit No.CL.108 in the Register of Common Land maintained by the former West Sussex County Council and are both occasioned by Objection No.475 made by the County Surveyor and noted in the Register on 16th March 1971.

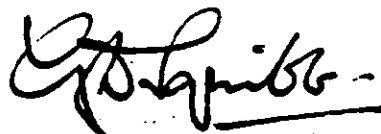
I held a hearing for the purpose of inquiring into the dispute at Chichester on 23rd July 1974. The hearing was attended by Mr J.K.Sampson, solicitor, on behalf of the West Sussex County Council and the County Surveyor, and the Kirdford Parish Council was represented by its Clerk, Mr C.F. Linton.

The objection relates only to narrow strips of land adjoining the paved carriageway of Plaistow Road, which strips are claimed to be part of the highway. Mr Sampson stated that the County Surveyor did not wish to pursue his objection, provided that it was made clear that he did not resile from his claim that there was a public right of way over the strips in question. Mr Sampson cited my decision in In the Matter of Haythorn Common, Horton, Dorset (1972) No.10/D/3. in support of the course which he was pursuing.

I accordingly confirm the registration.

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 1st day of August 1974


Chief Commons Commissioner