



COMMONS REGISTRATION ACT 1965

Reference Nos. 38/D/9
38/D/11

In the Matter of Quellwood Common,
Lurgashall, West Sussex (No.2).

DECISION

These disputes relate to the registration at Entry No.1 in the Rights Section of Register Unit No.C.L.32 in the Register of Common Land maintained by the West Sussex County Council and are occasioned by Objection No.317 made by the County Surveyor and noted in the Register on 28th November 1970 and Objection No.214 made by the National Trust and noted in the Register on 21st October 1970.

I held a hearing for the purpose of inquiring into the disputes at Chichester on 6th July 1973. The hearing was not attended by any person entitled to be heard.

The registration was made by the County Council pursuant to an application made by Lady (Gwendolen Hurst) Elkins. After the registration of the rights claimed by Lady Elkins, further rights were registered pursuant to an application made by Miss Millicent Elinor Buller. Miss Buller's registration is the subject of two other disputes.

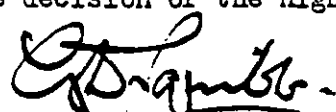
Before the hearing there was sent to the Clerk to the Commons Commissioners a document signed by or on behalf of Lady Elkins, Captain G.W. Wakeford as successor to Lady Elkins's interest, and the County Surveyor, requesting me to confirm the registration subject to the exclusion of certain lengths of highway verge. This document, however, related only to dispute No.38/D/9, so I could not deal with the matter by consent with dispute No.38/D/11, occasioned by the Objection of the National Trust, still outstanding.

Although there was no appearance on behalf of the National Trust at the hearing, I cannot assume that the National Trust would be content for the matter to be dealt with in the manner agreed between Lady Elkins, Captain Wakeford, and the County Surveyor, because it appears from letters dated 5th and 12th February 1973 sent to the Clerk to the Commons Commissioners by Messrs. Streat, Daunt and Farmiloe, solicitors for Captain Wakeford, that on 26th January 1973 they had informed Mr. J.E. Privett of the National Trust that Captain Wakeford did not wish to pursue the claim for common rights over the land in question. With this explanation of the non-appearance of the National Trust, it would be clearly wrong for me to confirm the registration in the manner agreed between Lady Elkins, Captain Wakeford, and the County Surveyor.

For these reasons I refuse to 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 10th day of September 1973


Chief Commons Commissioner