



COMMONS REGISTRATION ACT 1965

Reference Nos 241/D/47 to 54 inclusive

In the Matter of Gang Bridge, Wash  
Land and the Green in the Parishes of  
Great Cheverell and Little Cheverell,  
Kennet D

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DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and Entry No 1 in the Ownership Section of Register Unit No CL. 78 in the Register of Common Land maintained by the Wiltshire County Council and are occasioned by the Objections set out in the Schedule to this decision.

I held a hearing for the purpose of inquiring into the dispute at Trowbridge on 30 June 1977. The hearing was attended by Mr N A Bourne of Messrs Jonas & Parker on behalf of the Executors of H W Turner and D Matthew and Mr S McGregor-Johnson of Messrs Wansbrough's on behalf of R F Turner. Mrs Wheeler who registered the land as common land and also registered a claim to ownership of the land wrote to the office of the Commons Commissioners confirming an agreement she had made with Mr Bourne whereby she agreed to withdraw her claims. This letter was dated 23 June 1977 and a copy was sent by the Clerk to the Commons Commissioners to Messrs Jonas & Parker on 27 June 1977. On 23 June 1977 Messrs Jonas & Parker wrote to the office of the Commons Commissioners confirming the agreement they had arrived at with Mrs Wheeler and stating that they had agreed that if Mrs Wheeler withdrew her claims they would seek no order as to costs.

Mrs Wheeler did not attend the hearing and in reliance upon the correspondence referred to above I refuse to confirm both registrations.

Mr Bourne did not at the hearing refer me to the correspondence referred to above, and I indicated that I was prepared to make an order for costs in favour of his clients. This correspondence has come to my notice subsequent to the hearing and I now take the view that it would be wrong, in the light of that correspondence to award any costs to Mr Bourne's clients. I cannot find any indication that Mrs Wheeler made or endeavoured to make any agreement with Mr R F Turner and I therefore award him costs on Scale 4 against Mrs Wheeler.

The Schedule Above Referred to

Objection Nos 9 & 10 both made by the Executors of H W Turner both noted in the Register on 11 October 1971

Objections Nos 14 & 15 both made by R F Turner both noted in the Register on 11 October 1971



Objection Nos 19 & 20 both made by Lt Col C P Carrington both noted in the Register on 11 October 1971

Objection Nos 74 & 75 both made by D Matthew both noted in the Register on 6 September 1972

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 22<sup>nd</sup> day of August

1977

*A. Seale*

Commons Commissioner