



COMMONS REGISTRATION ACT 1965

Reference Nos 8/D/20
8/D/21
8/D/22
8/D/23

In the Matter of Gresley Common,
Church Gresley, South Derbyshire
District, Derbyshire

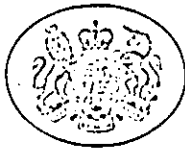
DECISION

These disputes relate to the registrations at Entry No 1 and 2 in the Land Section and at Entry No 1 in the Rights Section of Register Unit No CL. 28 in the Register of Common Land maintained by the Derbyshire County Council and are occasioned (D/20 and D/22: Land Section No 1 and Rights Section No 1) by Objection No 11 made by Mrs Laura Wilton and (D/21 and D/23: Land Section No 2 and Rights Section No 1) by Objection No 12 made by Thomas Wragg and Sons Limited and both noted in the Register on 6 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Matlock on 25 January 1974. At the hearing Swadlincote Urban District Council was represented by Mr P W Scragg, solicitor of Goodger Auden and Co, solicitors of Swadlincote; Mrs L Wilton was represented by Mr S H Bate solicitor of Argyle and Sons, Solicitors of Tamworth; and Thomas Wragg and Sons Ltd were represented by Mr T G Neiland, Solicitor of Fishers, Solicitors of Ashby-de-la-Zouch. At the request of those represented at the hearing and on being told that there was a possibility of an application for a decision in these matters in accordance with agreed terms, I adjourned the proceedings.

I held the adjourned hearing on 26 January 1977 at Derby. At this hearing South Derbyshire District Council (the successors of Swadlincote Urban District Council) were represented by Mr Scragg and Derbyshire County Council as registration authority were represented by Mr H O Jones solicitor in the County Secretary's Department. Mr Scragg said that at this hearing he also represented Thomas Wragg & Sons Limited ("TW") as agent for Fishers.

The Land Section of this Register Unit contains two Entries: No 1 "The six pieces of land ... known as Gresley Common as marked with green verge lines ... on...the Register map...", and No 2. "The five pieces of land...known as Gresley Common as marked with green verge lines...on...the Register map...". From the words above quoted one might guess that Entry No 2 is intended to replace Entry No 1, or at least be doubtful whether the CL. 28 land comprises six or five pieces. However because Entry Nos 1 and 2 are recorded as being respectively registered pursuant to (1) application no 56 and (2) application no 108 made on (1) 29 March 1967 and (2) 17 June 1968 by Swadlincote Urban District Council, and I have copies of these applications, I shall in this decision assume that the land in this Register Unit comprises eleven pieces of land, being six pieces ("the Northwest Part") which are all north of Common Road A514 and west of Coppice Side, and are the pieces referred to in application no 56 and five pieces ("the Southeast Part") which are all either south of Common Road A514 or east of Coppice Side and are the pieces referred to in application no 108.



Before the hearing, an agreement dated 12 December 1974 was sent to the Clerk of the Commons Commissioners by which Mrs Wilton, the District Council, TW and the County Council agreed (among other things) that Mrs Wilton withdraws her objection and that the Commons Commissioner confirms the registration of the Northwest Part. At the hearing Mr Scragg handed me an agreement dated 26 January 1977 by which the District Council, TW and the County Council agreed (among other things) that TW withdraw their objection and that the Commons Commissioner confirm the registration of the Southeast Part.

In my opinion I ought to give effect to these agreements. Accordingly I confirm all the said registrations without any modification.

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 28th day of January ————— 1977

a. a. Bode Fuller

Commons Commissioner