



In the Matter of Additional pieces of Siston
Common, Siston, Avon (No.2)

DECISION

These disputes relate to the registrations at Entry Nos 1 to 14 in the Rights Section of Register Unit No. CL.269 in the Register of Common Land maintained by the Avon County Council and are occasioned by Objection No. 236 made by the Chief Civil Engineer of British Railways and noted in the Register on 24 September 1971, Objection No. 688 made by the former Gloucestershire County Council and noted in the Register on 6 December 1972, and Objections Nos 791 to 797 (inclusive) all made by the former Warmley Rural District Council and all noted in the Register on 6 December 1972.

I held a hearing for the purpose of inquiring into the disputes at Bath on 3 June 1980. The hearing was attended by Mr J Hughes, solicitor, on behalf of the Kingswood District Council, the successor authority of the former Warmley Rural District Council, and Mr R C Turner, the successor in title of Mr R J Turner, the son of the applicant for the registration at Entry No. 6, Mr R W G Pyle, the applicant for the registration at Entry No. 7, and Mr W J Lawson, the applicant for the registration at Entry No. 8, appeared in person.

Objections Nos 236 and 688 related to comparatively small areas of land. Since I have confirmed the registration at Entry No 1 in the Land Section of the Register Unit with the exclusion of these small areas, it is no longer necessary to consider these Objections. The remaining Objections relate to the registrations at Entry Nos 3, 5, 6, 7, 10, 12 and 13. I therefore confirm the registrations at Entry Nos 1, 2, 4, 8, 9, 11 and 14.

Entry No. 3 This registration is the subject of Objection No. 791. There was no appearance in support of it, and I therefore refuse to confirm it.

Entry No. 5 This registration is the subject of Objection No. 792. There was no appearance in support of it, and I therefore refuse to confirm it.

Entry No. 6 This registration is the subject of Objection No. 793, which relates to parts of the land still comprised in the Register Unit, to the number of cattle, and to the right to graze horses. The registration states that the registration at Entry No. 19 of Register Unit CL.29 relates to the right of common claimed over the whole of the land comprised in this Register Unit. Since I have confirmed the registration at Entry No. 19 of Register Unit CL.29 with a modification, and it was agreed that the evidence relating to that registration also related to this registration, it is only necessary for me to confirm this registration.

Entry No. 7 This registration is the subject of Objection No. 794, which relates to part of the land still comprised in the Register Unit and to the right to graze a horse. The registration states that the registration at Entry No. 20 of Register Unit CL.29 relates to the right of common claimed over the whole of the land comprised in the Register Unit. Mr Pyle, the applicant for the registration stated, that he did not claim any right over two very small areas to which the Objection related, but that he had exercised grazing rights over the remainder of the land comprised in the Register Unit. It seems to me that these very small areas can be regarded as de minimis and, since I have confirmed the registration at Entry No. 20 of Register Unit CL.29 with a modification, I confirm this registration.



Entry No. 10 This registration is the subject of Objection No. 795. The registration states that the registration at Entry No. 23 of Register Unit CL 29 relates to the right of common claimed over part of the land comprised in this Register Unit. Mr Hughes informed me that it had been agreed with the applicant that the right should not extend to the land shown edged green on the plan attached to the Objection. Since I have confirmed the registration at Entry No. 23 of Register Unit CL.29 with a modification, it only remains for me to confirm this registration with the following modification, namely, the insertion after "provisional map" of "other than the land shown edged green on the plan attached to Objection No. 795".

Entry No.12 This registration is the subject of Objection No. 796. Mr W A Newman stated in a letter dated 3 July 1973 that he was no longer interested in the registration. I therefore refuse to confirm it.

Entry No. 13 This registration is the subject of Objection No. 797 which Mr A F Faithfull, the applicant for the registration, accepted in a letter dated 27 July 1973. The grounds of the Objection are that the right does not extend to any of the land in this Register Unit. I therefore 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, 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

4th

day of

August

1980


Chief Commons Commissioner