



In the Matter of Brading Down, Brading,
Isle of Wight

DECISION

This dispute relates to the registration at Entry No. 38 in the Land section of Register Unit No. CL 19 in the Register of Common Land maintained by the Isle of Wight County Council and is occasioned by Objection No. CL/OBJ/8 made by the Trustees of the Nunwell Estate and noted in the Register on 28 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Ryde on 16 November 1977. The hearing was attended by Mr W J Eldridge, Solicitor, on behalf of Mr A R Aylett, the applicant for the registration, and by Mr A D Donger, one of the Objectors.

Mr Eldridge sought to support the registration by rights of common claimed by Mr Aylett. Mr Aylett did not, however, register any rights, so that any rights to which he may have been entitled have ceased to be exercisable by virtue of section 1(2)(b) of the Commons Registration Act 1965. Therefore, the only way in which the registration could be supported would be by proving that the land comprised in the Register Unit is waste land of a manor not subject to rights of common, but Mr Eldridge was unable to adduce any evidence as to this.

In these circumstances I can do no other than 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 5th day of December 1977

Chief Commons Commissioner