

COLMONS REGISTRATION ACT 1965

Reference No.38/D/8

In the Matter of Quellwood Common, Lurgashall, West Sussex (No.1).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.32 in the Register of Common Land maintained by the West Sussex County Council and is occasioned by Objection No.317 made by the County Surveyor and noted in the Register on 28th November 1970.

I held a hearing for the purpose of inquiring into the dispute 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 under section 4(2)(b) of the Commons Registration Act 1965 in consequence of the registration of common rights question pursuant to an application made by Lady (Gwendolen Hurst) Elkins for the registration of rights of common over the land. After the registration of the rights claimed by Lady Elkins, further rights were registered pursuant to an application made by Miss Millicent Elinor Buller.

Before the hearing there was sent to the Clerk to the Commons Commissioners a document signed by or on behalf of the County Council, the Objector, the Lurgashall Parish Council, and the Midhurst Rural District Council, requesting me to confirm the registration subject to the exclusion of certain lengths of highway verge. Since it did not appear from this document that Lady Elkins and Miss Buller had agreed to the proposed exclusion, I did not consider that it would be technically right for me to give a decision by consent under regulation 31 of the Commons Commissioners Regulations 1971.

However, there were also sent to the Clerk to the Commons Commissioners documents relating to the rights registrations which showed that both Lady Elkins and Miss Buller were aware of what was being proposed and, since neither of them appeared or was represented at the hearing, I have decided to take the course requested in the document relating to this dispute, namely to confirm the registration with the following modifications:namely, the exclusion of the lengths of highway verge on the north and south sides of the road leading from the junction of Jobson's Lane and The Quell to Blackdown Copse and further lengths of highway verge on the east and west sides of the road leading from the junction of Jobson's Lane and The Quell north-westwards for 500 metres to the Congregational Chapel, which lengths are defined in the Schedule comprised in the Objection.

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 26th day of July 1973

Chief Commons Commissioner