



COMMONS REGISTRATION ACT 1965

Reference No. 241/D/31

In the Matter of Bedwyn Common,  
Great Bedwyn, Kennet D

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 71 in the Register of Common Land maintained by the Wiltshire County Council and is occasioned by Objection No 18 made by the Crown Estate Commissioners and noted in the Register on 11 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Trowbridge on 30 June 1977. The hearing was attended by Miss J Phillips on behalf of the Crown Estate Commissioners.

The Objection relates only to a part of the land and in accordance with the request of all interested parties I confirm the Registration modified so as to exclude the land the subject to Objection No 18 identified on the plan annexed to that Objection.

This is another case in which as long ago as 1975 all the persons entitled to be heard other than the Wiltshire County Council signed a consent to a decision being given without a hearing. By a letter dated 19 February 1975 the County Council refused to give its formal consent but at the same time stated:-

"If the Commons Commissioners see fit to invoke the procedure under Regulation 31...the County Council will not wish to object."

The County Council does not appear to have appreciated that the Commons Commissioners have no power to invoke Regulation 31 in the absence of the formal consent of the County Council which is a person entitled to be heard at the hearing. The refusal on the part of the County Council to give its formal consent has put the Crown Estate Commissioners to unnecessary expense and I accede to Miss Phillips' application for costs and award the Crown Estate Commissioners cost on Scale 4 with the Registrar's discretion as from 19 February 1975.

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

G. A. Little

Commons Commissioner