



Reference No. 210/D/219

COMMONS REGISTRATION ACT 1965

In the Matter of About 43 acres of Land,  
Portland, Weymouth and Portland,  
Dorset (No. 2)

## DECISION

This deemed dispute relates to the registration at Entry No. 1 in the Rights section of the Register Unit No. CL 72 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 19 made by Cove Chalet Park (Portland) Ltd and Objection No. 447 made by the Clerk of the former Dorset County Council and both noted in the Register on 1 June 1971

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 21 September 1976. The hearing was attended by Mr N Butterfield, of counsel, on behalf of the Commoners and Court Leet of the Island and Royal Manor of Portland, the applicants for the registration, Mr P F Prideaux, solicitor, on behalf of Cove Chalet Park (Portland) Ltd, and Mr D S Harper, solicitor, on behalf of the Dorset County Council.

The Objections relate to the rights claimed over portions of the land comprised in the Register Unit. For the reasons given in my decision in In the Matter of About 43 acres of Land, Portland, Weymouth and Portland, Dorset (No. 1) (1976), Ref. Nos 210/D/217 - 218, I have confirmed the registration in the Land section of the Register Unit by the exclusion of the land the subject of the Objections.

Since there is no objection by either of the Objectors to the registration the subject of this dispute in so far as it relates to the land still remaining in the Register Unit I confirm the registration, but for the reasons given in my decision in In the Matter of About 655 acres of Land, Portland, Weymouth and Portland (No. 2) (1977), Ref. No. 210/D/202 I confirm it with the following modifications, namely, the deletion of the words in columns 4 and 5 and the substitution of particulars of the rights attached to each of the 39 properties comprised in the list submitted by Mr Butterfield's instructing solicitors.

For the avoidance of doubt, I should explain that having decided that the land which I have held to form parts of highways is not capable of being registered under the Commons Registration Act 1965 this decision does not affect nor is it even an expression of opinion regarding any rights of common over that land which may or may not exist.

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

17<sup>th</sup>

day of March 1979

Chief Commons Commissioner