



COMMONS REGISTRATION ACT 1965

Reference Nos. 10/D/66
10/D/67

In the Matter of Morden Heath,
Wareham, St. Martin, Dorset (No.2).

DECISION

These disputes relate to the registration at Entry No.1 in the Rights Section of Register Unit No.C.L.250 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No.1104 made by the Minister of Agriculture, Fisheries and Food and Objection No.1136 made by Morden Estates Company and both noted in the Register on 7th February 1973.

I held a hearing for the purpose of inquiring into the disputes at Dorchester on 26th February 1974. The hearing was attended by Mr. F. Mallows on behalf of the Minister of Agriculture, Fisheries and Food and by Mr. Giles Best, of counsel, on behalf of Morden Estates Company. Mr. E.H.V. Gee, the applicant for the registration, appeared by Mr. O. Coombe, solicitor, but only to apply for an adjournment, which I refused to grant.

There being no evidence in support of the application, I refuse to confirm the registration.

Both Mr. Mallows and Mr. Best applied for orders for costs against Mr. Gee. Unfortunately, I have to deal with these applications without the assistance of any argument on Mr. Gee's behalf. Since the application for registration was made in respect of what Mr. Gee alleged to be his own personal rights, I can see no reason on the material before me why he should not suffer the usual fate of an unsuccessful litigant. I shall therefore make an order that he pay the costs of each Objector, to be taxed on County Court Scale 4.

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 29th day of March 1974


Chief Commons Commissioner