



COMMONS REGISTRATION ACT 1965

Reference No. 210/D/313-314

In the Matter of Tenantry Down,
Gussage All Saints, Dorset

DECISION

These disputes relate to the registration at Entry No. 56 in the Land Section and Entry Nos. 1 and 2 in the Rights Section of Register Unit No. CL 56 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No. 359 made by the Earl of Shaftesbury and noted in the Register on 10 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Poole on 20 November 1979. The hearing was attended by Mr Harrington, of the firm of Withers, Solicitors for the Earl of Shaftesbury and Mr P Clayden, representing the Ramblers Association.

The registration as common land was made on the application of Gussage All Saints Parish Council and a supporting application by a Mr N H Hotchkiss is noted on the Register. The applicant to register Right No. 1 was a Mr W H Everett, and Right No. 2 a Mr E C Matthews. The Objection is on the ground that the land or some part thereof was not common land at the date of registration.

The Parish Council (now Vale of Allen P.C.) and the Ramblers Association, on whose behalf Mr Hotchkiss' application was made, had both written letters withdrawing their applications to register.

As regards Right No. 1, Mr Everett did not appear. Mr Harrington said that research had shown that the right existed until 1976, but by a Conveyance (which was produced) dated 8 September 1976 between the Earl of Shaftesbury (1) and Mr Everett, the latter assigned and surrendered the right to the Earl of Shaftesbury. The Earl claims to own the common, so that his acquisition of the right would result in its extinguishment.

As regards Right No. 2, a letter dated 28 May 1976 from Mrs C M Matthews was produced, stating that her husband had died and that she had no evidence to support the claim to the right.

In these circumstances I think the Objection should be upheld and I refuse to confirm the registrations.

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 17 December 1979

L. J. Kevin Smith

Commons Commissioner