



In the Matter of West Ward Common, Bradford
Peverell and Charminster, Dorset. (No. 2)

DECISION

These disputes relate to the registrations at Entry Nos 1, 2 and 4 to 11 in the Rights section of Register Unit No. CL 52 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No. 12 made by Mr R H Childs, Mrs M K Childs and Mrs E H Hawkins and noted in the Register on 11 December 1969, Objections Nos 200, 299, 300 and 301 made by the Hon. Peter Pleydell-Bouverie, Mr J L Lowther and Mr M P Wyndham (hereafter referred to as "the Ilchester Trustees"), Objections Nos. 279 and 282 to 285 (inclusive) made by the Trustees of the late Mr G A Budden (hereafter referred to as "the Budden Trustees"), Objections Nos. 290 to 297 (inclusive) made by H R H Charles, Prince of Wales, Duke of Cornwall, and Objections No. 368 to 372 (inclusive). and 439 made by Mr and Mrs Childs and Mrs Hawkins, and all noted in the Register on 15 June 1971.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 3 August 1976. The hearing was attended by Mr H Kirk, solicitor, on behalf of Mr C R B Bailey and Mrs M Bailey, the applicants for the registration at Entry No. 1, Kenneth Miles and Sons (Charminster) Ltd, the applicant for the registration at Entry No. 2, Mr R J Warren, the applicant for the registration at Entry No. 8, and Dr W. Fullerton, the applicant for the registration at Entry No. 9, Mr H E F Lock, solicitor, on behalf of Mr and Mrs Childs and Mrs Hawkins, as Objectors and as applicants for the registration at Entry No. 5, and Miss R M Cullen of Counsel, on behalf of the Ilchester Trustees, as Objectors and as applicants for the registration at Entry No. 7, and the Budden Trustees, as Objectors and as applicants for the registration at Entry No. 11. Mr H L Hawkins, the applicant for the registration at Entry No. 4 appeared in person. By a letter dated 27 July 1976 the Secretary of the Duchy of Cornwall stated that the Duchy wished to "withdraw" the registrations at Entry Nos 6 and 10.

The disputes are primarily concerned with the area over which the rights of common are exercisable. I have dealt with this matter in my decision in In the Matter of West Ward Common, Bradford Peverell and Charminster (No. 1) (1976), Ref. Nos 210/D/119-120. I was informed that it had been agreed that the registration at Entry No. 2 should be in respect of 36 cattle and 4 horses. The only other matter remaining in dispute is the dates between which the rights of common are exercisable. I was informed that it had been agreed between the parties that the dates were from 6 August for dairy stock and from 15 August for other stock, the closing date being 1 November. Some of the registrations relate only to the period beginning 15 August. In my view, any rights between 6 and 14 August which may have appertained to the dominant tenements to which those registrations relate have ceased to be exercisable by virtue of section 1(2)(b) of the Commons Registration Act 1965, and I therefore cannot give effect to the agreement with respect to that period in so far as it relates to those registrations. I was also informed that the numbers of animals to be grazed between 6 and 14 August should be two-thirds of those to be grazed from 15 August, fractional numbers to be rounded up.



I therefore confirm the registration at Entry No. 11.

I confirm the following registrations with modifications in column 4 of each registration as follows:-

- Entry No. 1. The substitution of "1 November" for the words "the land becomes waterlogged".
- Entry No. 2: The insertion after the word "graze" of the words "24 cattle (dairy stock) from 6 August to 14 August and", the substitution of the figures "36" and "4" for the figures "50" and "6" respectively, and the insertion after the word "horses" of the words "from 15 August to 1 November each year".
- Entry No. 4. The insertion after the word "graze" of the words "16 cattle (dairy stock) from 6 August to 14 August and" and after the word "heifers" of the words "from 15 August to 1 November each ye
- Entry No. 5. The insertion after the word "heifers" of the words "from 15 August to 1 November each year".
- Entry No. 7. The insertion after the work "graze" of the words "38 cattle (dairy stock) from 6 August to 14 August and" and the substitutic of "15 August" for "6 August."
- Entry No. 8. The substitution for the words from "6 head" to "February" of the words "4 head of stock (dairy stock) from 6 August to 14 August and 6 head of stock (dry stock) from 15 August to 1 November each year".
- Entry No. 9. The substitution for the words from "6 horses" to "February" of the words "4 cattle (dairy stock) from 6 August to 14 August and 6 horses and 6 cattle (dry stock) from 15 August to 1 Novembe each year".

I refuse to confirm the registrations at Entry Nos 6 and 10.

I am required by regulation 30(1) of the Commons Commissionew 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 Sept 1976.


Chief Commons Commissioner