



Reference Nos 210/D/85-36

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

## DECISION

These disputes relate to the registrations at Entry Nos 1 to 6 in the Rights section of Register Unit No. CL 73 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No. 13 made by Mr R H Childs and Mrs M K Childs and Mrs E H Hawkins and noted in the Register on 11 December 1969 and Objection No. 238 made by the British Railways Board, Objection No. 269 made by the Hon. Peter Pleydell-Bouverie, Mr J L Lowther and Mr M P Wyndham (hereafter referred to as "the Ilchester Trustees") and Objections Nos. 279 and 281 made by the Trustees of the late Mr G A Budden (hereafter referred to as "the Budden Trustees") 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 Kenneth Miles and Sons Ltd, the applicant for the registration at Entry No. 1, Mr R J Warren, the applicant for the registration at Entry No. 4 and Dr W Fullerton the applicant for the registration at Entry No. 5, Miss R M Cullen, of Counsel, on behalf of the Ilchester Trustees, as Objectors and as applicants for the registration at Entry No. 3, and the Budden Trustees, as Objectors and as applicants for the registration at Entry No. 6, and Mr E V P Reece, of Counsel, on behalf of the British Railways Board. By a letter dated 27 July 1976 the Secretary of the Duchy of Cornwall stated that the Duchy wished to "withdraw" the registration at Entry No. 2.

I was informed that it was not desired to support any of the registrations, so it only remains for me to refuse to confirm them.

Mr Reece applied for orders for costs against the applicants. In the case of Kenneth Miles and Sons Ltd the application was limited to the costs incurred by the British Railways Board to 7 July 1976, on which date the Board was informed that the application for the registration at Entry No. 1 had been "withdrawn". This application appears to me to be well-founded and I shall make orders for costs to be taxed according to County Court Scale 4, one-sixth of the costs to 7 July 1976 to be paid by each applicant and one-fifth of the costs thereafter to be paid by each applicant other than Kenneth Miles & Sons Ltd.

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 29<sup>th</sup> day of Sept 1976.

Chief Commons Commissioner