



In the Matter of Martin Down, Martin, Hampshire.

DECISION

This dispute relates to the registrations at Entry Nos 2, 7, 8, 10 and 13 in the Rights section of Register Unit No. CL 57 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No. OB 491 made by Mr C J Thompson and noted in the Register on 15 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 23 February 1977. The hearing was attended by Mr C G White, the applicant for the registration at Entry No. 2, and by Mr N J Murphy, solicitor, on behalf of Mr R A Lamb, the applicant for the registration at Entry No. 7. Mr Thompson did not appear and was not represented, but Mr Murphy informed me that he had received an eleventh-hour communication from Mr Thompson that he did not wish to pursue his Objection.

Before the hearing Messrs Whitehead, Vizard, Venn and Lush, solicitors for the Earl of Radnor and Messrs E J Mather, G I Barty-King, and R E White, the applicants for the registration at Entry No. 10, informed the Clerk of the Commons Commissioner by letter that their clients did not wish to pursue their claim.

In these circumstances I confirm the registrations at Entry Nos 2, 7, 8 and 13 and refuse to confirm the registration at Entry No. 10.

Both Mr Murphy and Mr White applied for an order for costs against Mr Thompson. In my view there is no reason why Mr Thompson should not suffer the usual fate of an unsuccessful litigant, particularly since he did nothing to mitigate the expenses incurred in contesting his Objection. I shall therefore order that Mr Thompson pay to Mr Lamb and Mr White their costs to be taxed on County Court Scale 3.

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 13th day of May 1977

Chief Commons Commissioner