



COMMONS REGISTRATION ACT 1965

Reference Nos. 232/D/146 to 153
and 287 and 291

In the Matter of Rose Wood Axbridge Hill
and Frys Hill Sedgemoor D.

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section and Entries Nos. 1 and 2 in the Rights Section of Register Unit No. CL 144 in the Register of Common Land maintained by the Somerset County Council and occasioned by Objection No. 0/66 made by the Administrators of H E Chard noted in the Register on 7 May 1970. Objection No. 0/71 made by A S Chard noted on the Register on 8 May 1970. Objection No. 0/68 made by the Administration of H E Chard noted on the Register on 8 May 1970. Objection No. 0/72 made by A S Chard noted on the Register on 8 May 1970. Objection No. 0/87 made by the Administrators of E E Chard noted on the Register on 5 November 1970. Objection No. 0/88 made by A S Chard noted on the Register on 5 November 1970, and Objection No. 0/50 made by Sir N H Mordaunt noted on the Register on 6 May 1970.

I held a hearing for the purpose of inquiring into these disputes at Weston Super Mare on 14 November 1978.

The hearing was attended by Mr R P D Gibb of Messrs John A March Son and Gibb on behalf of the Administrators of E E Chard dec'd and A S Chard; by Mr P T Jacobsen of Messrs Bircham and Co on behalf of Sir N J Mordaunt and Mr T Driver on behalf of Somerset County Council.

There were only two claimants for rights in the Rights Section of the Register No. 1 made by Mrs S B Gunn who did not appear to support her claim and No. 2 by Mr B Butt whose application was withdrawn. The Entry in the Land Section was consequential on Mrs Gunn's application for Rights.

Mrs Gunn not having appeared to support her registration I have no alternative but to refuse to confirm the Entry in the Land Section and both the Entries in the Rights Section.

Mr Gibb made an application for costs and in support of that application he produced a copy letter dated as long ago as 28 June 1973 written by his firm to Mrs Gunn, the effect of which was to inform Mrs Gunn that in the view of his firm her application for rights was misconceived and offering to provide her with the evidence on which that view was based. Mr Gibb further informed me that there were at one stage other applicants for rights who had all withdrawn their applications.



In these circumstances I must conclude that if Mrs Gunn had availed herself of the offer made by Mr Gibbs firm she would have come to the conclusion that her claim to rights was misconceived and withdraw her application thus avoiding the expense of a hearing. Confirmation for this is to be found in Mrs Gunn's failure to attend the hearing.

For this reason I award the Administrator of H E Chard and Mr A S Chard one set of costs against Mrs Gunn, on Scale 4, of their appearances at this hearing and an earlier abortive hearing on 21 May 1975.

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 5th day of December 1978

G. A. Little

Commons Commissioner