



COMMONS REGISTRATION ACT 1965

Reference Nos. 10/D/94
10/D/95

In the Matter of Carey Heath,
Wareham St. Martin, Dorset.

DECISION

These disputes relate to the registration at Entry No.2 in the Land Section of Register Unit No.C.L.313 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No.1109 made by the Minister of Agriculture, Fisheries and Food and Objection No.1152 made by Morden Estates Company and noted in the Register on 24th November 1972.

I held a hearing for the purpose of inquiring into the disputes at Dorchester on 26th February 1974. The hearing was attended by Mr. F. Mallows on behalf of the Minister of Agriculture, Fisheries and Food and by Mr. Giles Best, of counsel, on behalf of Morden Estates Company. The Ramblers' Association, which applied for the registration, was not represented. Mrs. J.M.M. Caver, who signed the application on behalf of the Ramblers' Association, was present, but desired to be heard only in relation to costs. Mr. E.H.V. Gee, whose application was noted in the Register under section 4(4) of the Commons Registration Act 1965, appeared by Mr. O. Coombe, solicitor, but only to apply for an adjournment, which I refused to grant. The Wareham St. Martin Parish Council, whose application was also noted in the Register, did not appear, having given notice on 7th December 1972 that it could produce no evidence in support of its application.

There being no evidence in support of any of the applications, I refuse to confirm the registration.

Both Mr. Mallows and Mr. Best applied for orders for costs against Mrs. Caver, the Ramblers' Association, and Mr. Gee. For the reasons given in my decision in In the Matter of Morden Heath, Wareham St. Martin (No.1) (1974), 10/D/64-65, I have decided to refuse the applications against Mrs. Caver and the Ramblers' Association, and to make an order that Mr. Gee pay the costs of each Objector, to be taxed on County Court Scale 4.

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 29th day of March 1974


Chief Commons Commissioner