

In the Matter of Creech Heath,
Church Knowle, Dorset.

DECISION

This dispute relates to the registration at Entry No. 1/1 in the Land section of Register Unit No. CL 279 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 917 made by E C C Ball Clays Ltd and noted in the Register on 26 February 1973.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 22 April 1982. The hearing was attended by Mr P H Chesterfield, the Area Estate Surveyor of the Objector. There was no appearance on behalf of the Ramblers' Association, the applicant for the registration, but the Secretary of the Association informed the Clerk of the Commons Commissioners by a letter dated 19 April 1982 that I would be asked to refuse to confirm the registration.

I refuse to confirm the registration.

Mr Chesterfield asked for an order for costs, stating that he was unaware until 19 April 1982 that the Ramblers' Association did not wish to support the registration. Having regard to the facts that it was known as long ago as 31 March 1971 that the registration would be opposed and that notice of the reference was sent to the Ramblers' Association on 11 January 1980, followed by notice of the hearing sent on 19 March 1982, it seems to me that it was unreasonable not to inform the Objector that the registration would not be supported earlier. I shall therefore order the Ramblers' Association to pay the Objector's costs according to Scale 2 prescribed by the County Court Rules 1936, as amended.

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

April

1982

G. G. L. G. L.

Chief Commons Commissioner