



In the Matter of Ice Mead or East Meadow,
Gussage All Saints, Dorset

DECISION

These disputes relate to the registration at Entry No. 57 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL 57 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No. 353 made by the Earl of Shaftesbury and noted in the Register on 10 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Poole on 20 November 1979. The hearing was attended by Mr Harrington of the firm of Withers, Solicitors acting for the Earl of Shaftesbury and by Mr P Clayden, representing the Ramblers' Association.

The registration as common land was made on the application of Gussage All Saints Parish Council and a supporting application is noted made by Mr N H Hotchkiss, now represented by the Ramblers Association. The Rights Entry - a right to graze 4 cattle - was made on the application of Mr W H Everett. The Objection is on the ground that the land was not common land at the date of registration.

It appeared that neither the Parish Council (now Vale of Allen P.C.) nor the Ramblers Association sought to uphold the registration as common land. As regards the registered right to graze, there was no evidence to support that right and a Conveyance was produced dated 8 September 1976 between the Earl of Shaftesbury (1) and Mr W H Everett, (2), whereby the land comprised in this Register Unit was conveyed to Mr Everett. If the right did exist, this acquisition by Mr Everett of the land over which it was claimed would result in an extinguishment of the right by merger.

In these circumstances there is no basis for the continuance of the registrations which, accordingly, I refuse to confirm.

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 17 December 1979

L. J. Morris
Commons Commissioner