



In the Matter of Shrub Hall Heath, Tolleshunt
D'Arcy, Maldon D

DECISION

This dispute relates to the registration at Entry No. 1 in the Lad section of Register Unit No. CL 69 in the Register of Common Land maintained by the Essex County Council and is occasioned by Objection No. 21 made by Mr Luther Havard and noted in the Register on 3 October 1969.

I held a hearing for the purpose of inquiring into the dispute at Chelmsford on 17 February 1981. The hearing was attended by Mr P B Smith, Legal Officer of Maldon District Council (the successor authority to Maldon RDC on whose application the registration was made): and by Mr J King, the son of and representing Mrs A J M King, who was also an applicant for the registration of the land.

There was no appearance by or on behalf of the Objector, the grounds of whose objection appear to relate to a claim to ownership rather than to the status of the land as common land, and it appears that he left the district some time ago and is no longer interested. In these circumstances I confirm the registration.

Mr King asked for an order for costs. It does not appear that any approach was made to Mr Howard to enable the matter to be settled without a hearing, and having left the district it may well be that he had no notice of the hearing; and in all the circumstances I think it inappropriate to make any order against him for costs.

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

24 March

1981

L. J. Morris Smith

Commons Commissioner