

The state of the second of the

COMMONS REGISTRATION ACT 1965

Reference No 232/D/254 In the Matter of the Quantock Hills in the Parishes of East Quantoxhead, West Quantoxhead,
Over Stowey, West Bagborough, Holford, Kilve, Over Stowey, West Bagborough, Holford, Kilve,
Crowcombe, Spaxton and Bicknoller in the
District of West Somerset in the County of
Somerset The control of proton and the second

This dispute relates to the registrations at Entry Nos 2 and 44 in the Rights Section of Register Unit No CL. 10 in the Register of Common Land maintained by the Somerset County Council and is occasioned by Objection No 273B made by Aisdon & Co and noted in the Register on 31 March 1971.

I held a hearing for the purpose of inquiring into this dispute and 62 other disputes relating to the same Register Unit at Taunton on 5, 6, 12, 13 and 14 October 1976. This decision supplemental to my decision on such 62 other disputes, bearing date and reference numbers: 31 warch 1977, 232/D/224 to 286 inclusive.

The said registrations were made on the application of Mr Edward William House and at the said October 1976 hearing he attended in person and Risdon & Co who are solicitors of Minehead and elsewhere were represented by Mr J E E Way and Miss J E May (members of the firm). The course of the proceedings at this hearing, so far as they related to Rights Section Entry Nos 2 md 44 is set out in the Third Schedule of my said March 1977 decision, see pages 33 and 34; as stated in such decision (see page 14), in a letter dated 17 December 1976 solicitors for Mr House inquired whether I would continue the hearing of the said Objection No 275B in order that he might put before me evidence which he did not (through ignorance of the procedure) call at the said October 1976 hearing. Subsequently this request was formulated in a written application dated 29 March 1977, of which notice was given to Risdon & Co.

I held a hearing for the purpose of considering this said application at Taunton on 1 December 1977. Mr House was represented by Mr C P C Ligertwood solicitor of Channer & Channer & Ligertwood Solicitors of Taunton and Risdon & Co were represented by Mr J E E Way as before.

Mr Ligertwood and Mr Way said (in effect) that they were agreed as to the following facts: - Although Mr T H Down was when the Objection was made chairman of the Quantocks Commoners Association, Objection No 273B was made by Risdon & Co for him personally and not for the Association. Mr T H Down died on 6 September 1977, and Mr Way now represented his executors Mr Edward Thomas Down of Swallowdale, Doniford near Watchet, and Mr Maurice Perkins of 3 The Park, Minehead (Mr Way produced an office copy of the probate granted on 18 November 1977). At a meeting of the Quantocks Commoners Association held on 1 November 1977, those



present unanimously agreed that the Association should not object if Mr House/reduced his claim (as he is now willing to do) to 500 adult sheep interchangeable at the rate of 1 sheep for every 1 pony or cow/bullock. The executors of T H Down are agreeable to this.

Ir House explained that he had been Treasurer of the Quantocks Commoners Association since its foundation in 1951 to the time (1971) when Mr T H Down made this Objection, that all persons entitled to graze on the Quantocks could be members of the Association on payment of an annual subscription of 50p, and that the members of the Association met annually.

After some discussion Mr Ligertwood and Mr Way agreed that a modification of the registration as set out in the Schedule hereto would give effect to the agreement reached. The contentions put forward by Mr House at the ctober 1976 hearing raise a number of difficult legal questions, which can I think reasonably and properly be the subject of a compromise such as is now proposed. "s to the agreed new wording for the description of the right to be registered, although some considering it in isolation may think that the sort of grazing envisaged could be described in greater detail, in the context of the 44 other Entries in this Register Unit of grazing rights, I favour its brevity. There being no good reason why I should not act on the compromise proposed, I confirm the registrations at Entry Nos 2 and 44 in the Rights Section of this Register Unit with the modifications set out in the Schedule hereto.

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.

## SCHEDULE (Modifications of Rights Section Entry Nos 2 and 44)

The two Entries are to be combined into one Entry so that column 5 will read: "Land at Bincombe, Over Stowey, Bridgwater, Somerset as marked with a...line inside the boundary on the...map marked..."; and the registration authority will prepare a map showing as one combined area the land marked on the maps mentioned in column 5 of Entry Nos 2 and 44 as they now stand, and adapt the above wording for the new Entry by referring to the map so prepared.

In substitution for all the words of column 4 of Entry Nos 2 and 44 as they now stand, column 4 of the new Entry No shall be:- "Right of pasturage for 500 adult sheep (interchangeable on the basis of one pony or 1 cow/bullock equals 4 sheep) over the whole of the land comprised in this Register Unit".

Dated this 7/1 day of December

a.a. Baden Guller