



Commons Registration Act 1965

Reference Nos. 232/D/107 -113
inclusive

In the Matter of the Public Open Space between
Council car park and the Golf Course, Berrow-Sedgmoor
D. Somerset.

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section and the Entry Nos 1 and 2 in the Rights Section of Register Unit No. CL 180 in the Register of Common Land maintained by the Somerset County Council and are occasioned by objection No O/378 made by Mr. G.A.L. Hatherall and noted in the Register on 22nd July 1971, objection No. O/779 made by Mr & Mrs A.E. House and noted on the Register on 22nd July 1971, and objections Nos O/814 and O/813 both made by Mr. H.A.D. Major and both noted in the Register on 6th September 1972.

I held a hearing for the purpose of inquiring into these disputes at Taunton on 20th May 1975.

At the hearing Mr Hatherall appeared in person, Mr Hill of Messrs Schofield Roberts and Hill, Solicitors appeared for Mr. Major, and Mr. Williams of Messrs Alletson & Partners Solicitors appeared for Mr. Frost, Mr Lawson of Messrs Burrough Warner & Pigot appeared for Mr & Mrs House who withdrew their claim to common rights and their objection No. O/779.

Mr. Frost's claim to common rights and the consequential Entry No 1 in the Land Section of the Register were based on the conveyance of Mead Farm to his late father dated 9th June 1920 and the application of Section 62 (1) of the Law Property Act 1925 to that conveyance. In the light of the facts disclosed and the argument which took place on the hearing of the dispute relating to Register Unit No. CL 228 Mr Williams on behalf of Mr. Frost did not pursue Mr Frost's claim to common rights over the land in question.

For these reasons I refuse to confirm the Entry No 1 in the Land Section and the Entry Nos 1 and 2 in the Rights Section of the Register.

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 5th day of JUNE 1975

C A Le Hlo
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COMMONS COMMISSIONER