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MASTER: I won't find anywhere the allegation in para 4 is what you're saying.

MR MIDDLETON: Yes. To put the bottom line on this,

1 Master, this is the first time that it's been alleged that the initial sealing of the plan of subdivision was unlawful or illegal and that's despite the fact that we've had lots of the proceedings and when I take you to Justice Kaye's decision, not for very long, it's apparent that everybody before Justice Kay proceeded on the assumption that a subdivision was lawful. Everybody in the Magistrates' Court proceeded on the assumption that the subdivision was lawful. Same in the County Court.

2 What we are doing is going back a step which was never thought of, never even contemplated that the subdivision itself would be unlawful.

3 Then if you go to para 5, none of the subdivisions we're referring to now had planning permits and none had valid notices requirement issued to it pursuant to E of the Act. I'll explain it to you in this sense, that there are clearly no planning permits. Secondly, but the resolution that was made originally as to the requirements was one made in 4 February, 20th. It wasn't proceeded with. What was 5 proceeded with to get around s.9 of the Sale of Land Act, we would say at the instigation of the villain Mr Buchanan, were a series of two lot subdivision but no 6 requirements were made by any authorisation of the council whatsoever. You can't rely on the earlier one

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