



COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/147
209/D/148In the Matter of Bursdon Moor,
Hartland, Torridge District, DevonDECISION

These disputes relate to the registrations at Entry No 1 and No 2 in the Ownership Section of Register Unit No CL 1 in the Register of Common Land maintained by the Devon County Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Barnstaple on 11 May 1979. No person entitled to be heard attended the hearing.

At Entry No 1 Sir Dennis Frederick Bankes Stucley is registered as the owner of all the land in this Register Unit, being a tract of land containing about 342 acres known as Bursdon Moor. At Entry No 2 Mrs Sheila Annette Waddon-Martyn and Mr Claude Gilbert Peter as executors of William Waddon-Martyn deceased are registered as owners of all the land.

Messrs Peter Peter and Sons Solicitors of Launceston, sent to the Clerk of the Commons Commissioners a declaration (deed) dated 8 May 1979 and made between Sir D F B Stucley Baronet and Mr William Hammersley Waddon-Martyn by which, after reciting among other things that for the reason therein mentioned Mr Waddon-Martyn had agreed to waive his claim to the ownership of Bursdon Moor in favour of Sir Dennis, it was witnessed (in effect) that the parties requested the Commons Commissioners should confirm the registration in the said Register Unit in favour of Sir Dennis F B Stucley, and that Mr W H Waddon-Martyn requested the Commons Commissioners to refuse to confirm his registration.

Notwithstanding that I have no information as to how Mr W H Waddon-Martyn who made the declaration has become entitled to the benefit of the registration made on the application of Mrs S A Waddon-Martyn and Mr C G Peter, I consider that I ought in the absence of any other evidence to act on the said declaration. Accordingly I confirm the registration at Entry No 1 in the Ownership Section without any modification and I refuse to confirm the registration at Entry No 2 in the said Section.

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 8th — day of June — 1979

a. a. Baden Fuller

Commons Commissioner