



COMMONS REGISTRATION ACT 1965

Reference No.98/D/4

In the Matter of Foreshore adjoining the Sea Wall ---  
at the Southern End of Marine Road, Oreston,  
Plymouth, Devon (No.4).

DECISION

This dispute relates to the registration at Entry No.3 in the Rights section of Register Unit No.CL 1 in the Register of Common Land maintained by the former Plymouth City Council and is occasioned by Objection No.1 made by A.L.Brotherton Ltd and noted in the Register on 23rd October 1968.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 1st July 1975. The hearing was attended by Mr F.C.W.Kent, the applicant for the registration, and by Mr A.Brotherton, the managing director of the Objector.

Mr Kent gave evidence that he himself had never gathered oysters from the land in question and that he had applied for the registration on behalf of those who had a right to do so. There was no evidence as to who these persons were or the nature of their rights. In these circumstances I refuse to confirm the registration.

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 5 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 17<sup>th</sup> day of July 1975

  
Chief Commons Commissioner