



COMMONS REGISTRATION ACT 1965

Reference Nos. 209/D/180-185

In the Matter of Hanger Down, Cornwood and
Harford, Devon

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 71 in the Register of Town or Village Greens maintained by the Devon County Council and are occasioned by Objection No. 74 made by Mr H P Burrows, Objection No. 559 made by Western Machinery and Equipment Co. Ltd., and Objection No. 537 made by Mr R E Skelley and all noted in the Register on 2 March 1971, Objection No. 534 made by Mr D B H Cannon and noted in the Register on 17 January 1971, Objection No. 359 made by Wing-Cdr. C W Passy and noted in the Register on 30 October 1970, and the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL 114 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Dartmouth on 22 May 1980. The hearing was attended by Mr R Midgley, Solicitor, on behalf of Mr Burrows and Mrs J Passy, the widow of Wing-Cdr Passy, by Mr G Rossetti, Solicitor, on behalf of Mr K Watkin, the successor in title of Western Machinery and Equipment Co Ltd., and by Mr Cannon, who appeared in person. There was no appearance on behalf of the Ivybridge Town Council, the successor authority of the former Ivybridge Parish Council, the applicant for the registration, but in a letter dated 14 May 1980, addressed to the Clerk of the Commons Commissioners, the Town Clerk stated that it had been agreed not to pursue the application.

In these circumstances I refuse to confirm the registration.

Mr Rossetti asked for an order for costs. Unfortunately, I have no power to make such an order in favour of Mr Watkins. The only power under section 17(A) of the Commons Registration Act 1965 is to order a party to pay costs to any other party to the proceedings. The only parties to proceedings are those who have a right to be heard at the hearing of a dispute. A person who has made an objection to the registration of land as common land is entitled to be heard under reg. 19(1)(d) of the Commons Commissioners Regulations 1971, but no such right is given to the successor in title of an objector. This is in marked contrast to reg. 19(2)(j) and reg. 19(3)(e), which give rights to be heard to the successors in title of objectors in disputes relating to rights of common and ownership. Had the application been pursued, I could have taken evidence from Mr Watkins and his witnesses under reg. 23(5), but even if I had done that, Mr Watkins would not have become a party to the proceedings.

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

19~~8~~⁸

day of

June

1980

G. Lambie