



JW

COMMONS REGISTRATION ACT 1965

Reference Nos 209/E/173-194

In the Matter of Hemlake Down, Ivybridge,
Devon (NO.1)

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No. VG.77 in the Register of Town or Village Greens maintained by the Devon County Council and are occasioned by Objection No. 31 made by Mr F H Northmore and noted in the Register on 17 September 1970 and the conflicting registration at Entry No 1 in the Land Section of Register Unit No. CL.66 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 H Butterfield, of Counsel, on behalf of Mr Northmore, and Mr J Broom, Solicitor, on behalf of the County Council. There was no appearance on behalf of the Ivybridge Town Council, the successor authority of the 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 Butterfield asked for an order for costs against the Town Council. If the Town Council did not wish to support the registration, Mr Northmore or his solicitors should have been given reasonable notice. As it was, Mr Northmore has been put to unnecessary expense. I shall therefore order the Town Council to pay his costs on County Court Scale 4.

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 notices of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

1980

day of

June

1980

[Signature]
Chief Commons Commissioner