



COMMONS REGISTRATION ACT 1965

Reference No.9/U/26

In the Matter of Hillmoor Common,
Culmstock, Devon.

DECISION

This reference relates to the question of the ownership of land known as Hillmoor Common, Culmstock, being part of the land comprised in the Land Section of Register Unit No.C.L.92 in the Register of Common Land maintained by the Devon County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question, but Messrs. Hole & Pugsley, solicitors of Tiverton claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Exeter on 19th July 1972.

Messrs. Hole & Pugsley's information was that Mr. J.J. Collier, a former owner of the land in question in this reference, had on 18th November 1966 conveyed the freehold to Mr. Idris Glynn Davies, of 7a The Studio, Queen's Road, East Sheen, Richmond-on-Thames. Letters sent to Mr. Davies at that address by the Clerk to the Commons Commissioners have been returned marked "Gone Away" and "Gone abroad". The solicitors who acted for Mr. Davies in 1966 have also informed the Clerk to the Commissioners that they have not received any instructions from him for the past five years, at which time, to the best of their belief, he left this country to live abroad.

Mr. M.R. Rose, solicitor, who appeared for the Culmstock Parish Council, the owner of the remainder of the land comprised in the Register Unit, stated that the Parish Council did not dispute Mr. Davies's ownership. However, even if Mr. Davies did become the owner in 1966, there is no evidence that he is the owner now.

For these reasons I am not satisfied that any person is the owner of the land. The land will therefore fall into protection under section 9 of the Act of 1965.

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 25th day of July 1972


Chief Commons Commissioner