



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/41

In the Matter of Part of the Bed of the River
Bovey, Manaton, Devon

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL.242 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 the Nature Conservancy Council claimed to be the freehold owner of the land in question and Mr W.R. Bond and Mr. V.A.M. Hunt 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 28 July 1982.

Mr. D. Bradley, Regional Land Agent, appeared for the Nature Conservancy Council, Mrs. G.F. Kidner appeared for her husband Dr. P.G. Kidner and herself as rights applicants and Mr Bond appeared in person.

This reference had first been heard on 28 November 1979 by the Chief Commissioner. After that hearing it was discovered that there was likely to be a reference relating to an adjoining Common, Lustleigh Cleave, and the centre line of the stretch of the River Bovey comprised in this register unit was a common boundary between the unit and Lustleigh Cleave and the Chief Commissioner directed the reference to be reheard and to come on for hearing within the reference as to the ownership of Lustleigh Cleave.

I directed that the two references should be called on for hearing at the same time but on inquiry it was clear that all claimants accepted that the centre line of the river was for the stretch comprised in Register Unit CL.242 the true boundary I decided to hear this reference before dealing with the reference relating to Lustleigh Cleave.

Mr Bradley produced a conveyance made the 1 April 1965 between Albert Percival Rogers (1) and the Nature Conservancy (2) whereby the part of line bed of the River Bovey comprised in the Register Unit was conveyed (together with other property) to the Nature Conservancy in fee simple. Subsequently by the Nature Conservancy Council (Transfer of property) Order 1973 (S.I. 1973 No. 1722) all the property comprised in the said Conveyance was transferred to the Nature Conservancy Council with effect from 1 November 1973.

On this evidence I am satisfied that the Nature Conservancy Council is the owner of the land and I shall accordingly direct the Devon County Council to register the Nature Conservancy Council as the owner of the Land under Section 3(2) 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 1982

day of

August

1982

George Harker
 Commons Commissioner

