



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/111

In the Matter of part of West Down, Whitchurch

DECISION

This reference relates to the question of the ownership of part of the land comprised in the Land Section of Register Unit No. CL.83 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 and no one 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 Plymouth on 27 June 1989.

At the hearing Captain E. Madgwick represented the Whitchurch Commoners Association and Mr P H C Pawson appeared in person.

The unclaimed land is a narrow strip of uneven width running right through the unit land from north to south.

The ownership of the part of the unit land lying to the east of this strip was finally registered in the ownership of Mrs Lillian Kate Irvine and marked "A" on the register map. Mr and Mrs Pawson purchased the land. The title having been registered under the Land Registration Act, the registration was duly removed from the Register in January 1978.

Mr Pawson's complaint is that the western boundary of the land marked "A" on the register map does not include some of the land shown as his on the plan attached to the Land Register Certificate. Having compared the two I think he is right in this.

I cannot, however, treat this as a claim to ownership of the unclaimed land since his title to this land being registered at the Land Registry it cannot be registered under the Commons Registration Act.

What I think he is entitled to ask is that the area of land shown on the register map as having been registered under the land Registration Acts should be made to accord with the map on his Land Registry Certificate. With this possibility in view I shall forward with the copy of this decision which will go to the Registration Authority a copy of a map which shows the way in which Mr Pawson claims that the register map is inconsistent with his register title.

Subject to this I am not satisfied that any person is the owner of the land and it will therefore remain subject to 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

29th

day of

June

1989

Peter Lampton-Davis

Chief Commons Commissioner