



In the Matter of Roborough  
Down, in Horrabridge, Buckland  
Monachorum and Bickleigh, West  
Devon and South Hams Districts,  
Devon

## SECOND DECISION

This decision is supplemental to my decision dated 20 June 1984 and given in this matter after a hearing on 24 May 1982 and 17 and 18 May 1983, and relates to the Rights Section registration at Entry No. 117 made on the application of Messrs Michel Ollis and Margaret Ollis replaced by the registrations at Entry No. 183 and 184 made on the application of Mr Robert E Skelly and Messrs Anthony Reginald Bill and Ruth Helen Bill.

Pursuant to the liberty to apply at page 7 of my said decision, Mr Robert Edwin Skelley in a letter from his Solicitors dated 18 October 1984 applied that my 1984 decision as regards the said registration should be corrected and that such application might be considered notwithstanding that it was or may have been made after the 3 months specified at page 8 of my said decision.

I held a hearing for the purpose of considering the said application at Plymouth on 28 November 1984. At the hearing: (1) Mr R E Skelley was represented by Mr P W Harker solicitor of Bellingham & Crocker, Solicitors of Plympton; (2) Roborough Commoners Association were represented by Mr W J Wotton their Secretary; and (3) the Roborough/Maristow Estate Trustees in the said decision mentioned were also represented by Mr W J Wotton (he produced a letter dated 31 October 1984 from their Solicitors asking him "to deal with this particular point").

Mr Harker produced copies of letters dated 18 October and 5 November 1984 written to the Trustees said Solicitors, and to Mr and Mrs Bill enclosing a copy of the said application (RES/1, 2 and 3), and an extract from the OS map showing the OS Nos referred to in the said registrations (RES/4).

He said that of the OS Nos. which are specified in column 5 at Entry No. 183, Mr R E Skelley as the owner specified in the Entry had by a conveyance dated 19 May 1981 (after the registration at Entry No. 183) sold to Messrs David Roger Burch and Christine Anne Burch the piece of land on which now stands and which is now known as Hoo Meavy Cottage, Clearbrook, being OS No. 6378 (containing 0.65 of an acre); and that he had also sold off OS No. 7507 (containing 4.39 acres) to Mr John Reginald Layland.

Mr Harker and Mr Wotton said that they were agreeable that I should refuse to confirm or confirm with modification the said registrations as hereinafter stated and that such agreement was on the basis that all lands not in Buckland Monachorum could be excluded from the registrations, that the number of animals therein mentioned should be reduced, that ~~OS No. 6378~~ → OS No. 6378 being in Buckland Monachorum and the other OS Nos. in Buckland Monachorum would remain in and that OS No. 7507 with the other OS Nos. not in Buckland Monachorum would come out.



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Having regard to the general evidence I had at my 1983 hearing about rights having been exercised from, and only from lands in the adjoining parishes, I consider I can properly give effect to the said agreement.

I have not overlooked that under the agreement Messrs Bill and Mr J R Layland will get nothing; but this is no objection to the agreement, because apart from it they would under my said decision have got nothing. For these reasons, my decision now is as follows:- I enlarge the time under the said liberty to apply so far as necessary to make the said application effective. I set aside the part of my 1984 decision (mostly at pages 7, 33 and 34) dealing with the Rights Section registrations at Entry Nos. 117, 183 and 184. I CONFIRM the registration at Entry No. 117 with the MODIFICATION in column 4 substitute "21 cattle or 21 ponies or 105 sheep" for "30 cattle 100 sheep", and in column 5 delete the following numbers, 7192, 7507, 7698, 6404, 7200, 6598, 5602, 5996, 5694, 6584 and 7580; consequentially I CONFIRM the registration at Entry No. 183 with the MODIFICATION in column 1 substitute "Robert Edwin Skelley" for "Robert E Skelley", in column 2 substitute "21 cattle or 21 ponies or 105 sheep" for "29 cattle 97.5 sheep" and in column 5 delete "7192, 7507, 7698, 6404, 7200, 6598, 5602, 5996, 5694 and 6584 (ten of the said eleven before mentioned OS Nos omitting No. 7580 because it only appears in Entry No. 184); and I REFUSE to confirm the registration at Entry No. 184.

By section 6(2) of the Commons Registration Act 1965, a Commons Commissioner is required to inform the County Council as registration authority which of the registrations consequential on any decision has become final or void. In respect of the registrations (more than 100) mentioned in my said decision except the three registrations herein before dealt with, a section 6(2) notice will be sent to the County Council and copies sent to the other persons concerned (with copies of this decision). The section 6(2) notice as regards to said three registrations will be sent at a later date with a copy to Mr R E Skelley or his solicitor, to the Roborough/Maristow Estate Trustees or their Solicitors, to Roborough Commoners Association or their Secretary, to Messrs A R and R H Bill, to Messrs D R and C A Burch of Hoo Meavy Cottage, Clearbrook, Yelverton, and to such other persons as may write to the London office of the Commons Commissioners saying they would like to have it.

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 18<sup>th</sup> day of December 1984

A. A. Baden Fuller