



COMMONS REGISTRATION ACT 1965

Reference Nos.209/D/12-16

In the Matter of Shore Bottom,
Stockland, Devon (No.2).

DECISION

These disputes relate to the registrations at Entry Nos.1,2,3 and 4 in the Rights Section of Register Unit No.CL 5 in the Register of Common Land maintained by the former Devon County Council and are occasioned by Objection No.425 (Land) made by Mr F.J. Shipp and noted in the Register on 16th November 1970, and Objection No.1104 made by the former Devon County Council.

I held a hearing for the purpose of inquiring into the disputes at Exeter on 23rd October 1974. The hearing was attended by Mr P.A.J. Browne, solicitor, on behalf of the Devon County Council. The Stockland Parish Council, the applicant for the registration at Entry No.1 was not represented. Mr W.H. Summers, Mr F.G. Rowe and Mr E.F. Culmstock, the applicant for the registration at Entry Nos.2, 3 and 4 respectively, did not appear and were not represented. Mr Shipp did not appear and was not represented. Mr Browne, however, handed to me documents signed by or on behalf of the Parish Council, Mr Summers, and Mr Culmstock asking me to "cancel" their claims.

After the hearing I received a letter from Mr Donald J. Rowe, the son of Mr F.G. Rowe, who said that he was unable to attend the hearing and was not in a financial position to do legal battle with the County Council. Mr Rowe is unhappy about the County Council's decision not to ask me to confirm the registration in the Land Section of the Register Unit, though he said that he was contented with the state of affairs which had prevailed before the registration. While I would in any event hesitate to restore the case to the list for further argument in view of Mr Rowe's decision not to avail himself of the opportunity of appearing at the hearing, nothing in his letter leads me to think that the County Council was mistaken in deciding not to support the registration. Mr Rowe says in his letter that on occasions he has cut bracken on the land in question to use as bedding and clamping material, but his father's application for registration did not mention a right to cut bracken, and there is nothing in Mr Rowe's letter to suggest that there might be any substance in his father's registration.

In the absence of any evidence in support of any of the registrations I refuse to confirm any of the registrations.

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 26th day of November 1974


Chief Commons Commissioner