



COMMONS REGISTRATION ACT 1965

Reference No.209/U/2

In the Matter of Shute Hill,
Shute, Devon.

DECISION

This reference relates to the question of the ownership of land known as Shute Hill, Shute, being the land comprised in the Land Section of Register Unit No.CL 237 in the Register of Common Land maintained by the former 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 Mr D.P.Godfrey claimed to be the freehold owner of the land in question and no other person 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 2nd July 1975.

At the hearing Mr P.J.Piper, solicitor, appeared for Mr Godfrey, and I gave leave to Mr G.S.Douglas of Fountain Forestry Ltd to appear for the Governor and Company of the Bank of Ireland.

The land comprised in the Register Unit consists of Shute Hill together with a lane leading to it from the west. The lane was conveyed to Mr Godfrey by a conveyance made 28th September 1972 between (1) Gerald Charles Drew and Thomas Anthony Tansley (2) Donald Percy Godfrey. The vendors were the personal representatives of Edgar Morton Lee, who died on 3rd June 1972, and were able to deduce a good title through Mr Lee.

The major part of the land was comprised in a conveyance made 15th March 1974 between (1) G.C.Drew and T.A.Tansley (2) Matthews Wrightson Land Ltd (3) The Governor and Company of the Bank of Ireland, the Bank being the sub-purchaser.

On this evidence I am satisfied that Mr Godfrey and the Bank of Ireland are the owners of the respective parts of the land the subject of their respective conveyances. I shall accordingly direct the Devon County Council, as registration authority to register them as the owners of the respective parts of the land under section 8(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 28th day of

July

1975

Chief Commons Commissioner