



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/446-447

In the Matter of The Forest of Dartmoor in the Parishes of Dartmoor
Forest and Okehampton Hamlets

DECISION

This dispute relates to the registration at Entry No. 865 in the Rights Section of Register Unit No. CL.164 in the Register of Common Land maintained by the Devon County Council and is occasioned by the conflicting registration at Entry No. 1017 in the Rights Section of the same Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 26th July 1995. The hearing was attended by Mr S J Arrowsmith-Brown and Mr G E S Parker Property Services Manager of the Duchy of Cornwall.

Rights Entry No. 865 was made upon the application of Bernard Klamann of Saussons Farm as Tenant. The right claimed was to graze 14 ponies and 24 cattle and 80 sheep attached to Saussons Farm comprising a series of specified Ordnance Survey Numbers

Rights Entry No. 1017 was made upon the application of the Minister of Agriculture Fisheries and Food on behalf of the Forestry Commission as Tenant. The right claimed was to graze 14 ponies (but no cattle or sheep) attached to Saussons Farm as shown edged red on a Supplemental Map.

These two entries clearly conflict with each other. At first sight it seems odd that both applications were made "as Tenant".

Mr Arrowsmith-Brown produced a Certified Copy of an Assignment dated 8th December 1994 whereby the Ministry of Agriculture Fisheries and Food assigned to him the residue of a Lease dated 11th June 1945 made between H M the King and the Forestry Commissioners for a term of 99 years from 25th March 1945 of Saussons Farm. Mr Klamann, the registrant at Entry 865, was a tenant of the Forestry Commissioners.

The difference between the two conflicting entries is that No. 865 includes cattle and sheep in addition to 14 ponies.

Mr Parker on behalf of the Duchy as freeholder and Mr Arrowsmith-Brown as long leaseholder both asked me to confirm Rights Entry No. 865 and not to confirm Rights Entry No. 1017. No-one else present at the hearing raised any opposition to this and I shall accordingly confirm Rights Entry No. 865 and not confirm Rights Entry No. 1017.

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

7th

day of

August-

1995

Mat. Roth

Chief Commons Commissioner