



Reference Nos 209/D/107
to 200 inclusive

In the Matter of the
Valley of the Rocks, Lynton,
North Devon District, Devon

SECOND DECISION

This decision is supplemental to my decision dated 5 May 1981 after a hearing at Barnstaple on 25 March 1981 relating to disputes about the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL 198 in the Register of Common Land maintained by the Devon County Council and at Entry No. 1 in the Land Section of Register Unit No. VG 27 in the Register of Town or Village Greens also maintained by the said Council.

Pursuant to the liberty given in the penultimate paragraph of my said decision, application was made by Mr E H Stanbury (letters dated 28 September and 3 December 1981 from his solicitors) to alter my decision.

I consider that I ought not to deal with such application until I was satisfied that Lynton Town Council who attended the hearing had had an opportunity of either agreeing or making representations against it. I now have a letter dated 8 February 1982 written on their behalf saying (in effect) that no objection is raised to the application although they agree with my reading of the NFU scale as meaning that between the numbers of cattle, horses and sheep there should be the word "or", and not "or/and", as seem to be suggested by one of the said 1981 letters.

I consider I should grant the application except as I regard the expression "and/or". Accordingly I alter the third paragraph on page 2 of my said decision by substituting for all words that come after "any modification" in line 5 the following:- I confirm the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 198 with the modification that for the words in column 4 there be substituted:- "To graze 600 sheep over one year (two lambs under one year counting as one sheep) or 100 cattle or 50 horses so that the number of animals grazed under the right registered in the Rights Section of Register Unit No. VG 27 shall be brought into account against the number of animals grazed under the right registered in this Register Unit so that in the result at any one time the total number of animals grazed under both such rights shall not exceed the numbers hereinbefore specified over the whole of the land comprised in this register unit except OS Nos 1340, 1341, 1342 and 1379 (together containing 7.327 acres)". And I confirm the registration which under regulation 14 of the Commons Registration (General) Regulations 1966 is deemed to have been made in the Rights Section of Register Unit No. VG 47 by reason of the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 198 with the result that in accordance with regulation 4 of the Commons Registration (Disposal of Disputed Registrations) Regulations 1972 the said CL 198 registration will be transferred to VG 47 Rights Section with the modification that the words in column 4 accord with the words set out above "to graze 600 sheep over one year ..." to "... the whole of the land in this register unit", save for VG 27 there will be substituted "CL 198".

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 15th day of March 1982

a. a. Badan Fuller

Commons Commissioner