



COMMONS REGISTRATION ACT 1965

Reference No 209/U/25

In the Matter of the Village Green,
Buckerell, East Devon District, Devon

DECISION

This reference relates to the question of the ownership of the land known as the Village Green, Buckerell, East Devon District being the land comprised in the Land Section of Register Unit No VG. 94 in the Register of Town or Village Greens maintained by the 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 the Clerk of Buckerell Parish Council informed the Clerk of the Commons Commissioners that the Village Green had always been under the Chairman of the Parish Meeting until they were granted a Parish Council in 1972 and that they would therefore like to claim the land for the Parish, and Mr M J H Ford informed the Clerk that he was in possession of the Old Rectory which is in front of the Village Green. No other person claimed to be the freehold owner of the land in question or 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 17 November 1977. There was no appearance at the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register Buckerell Parish Council as the owner of the land under section 5(3) 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 7th day of December — 1977

a. a. Bacon Jull

Commons Commissioner



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parish and neighbourhood ..."; (2) an abstract of the will of Mr R A Middleton (he died on 24 July 1956) and of the probate of it; (3) copy of an assent dated 1 May 1958 by which his personal representatives assented in the vesting in Mrs E I P Middleton of (among other lands) the said OS No 42 subject to an obligation identical with that above quoted; (4) copy probate dated 20 June 1969 of the will of Mrs E I P Middleton (she died 14 April 1969) and (5) copy of an assent dated 29 September 1969 by her personal representative in favour of Mr R D Middleton of (among other lands) the said OS No 42 subject to the said obligation.

On this evidence I am satisfied that Mr Middleton is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register Mr Richard Dudley Middleton of Westacott Barton, Ashreigney as the owner of the land under section 8(2) of the Act of 1965.

From the form of the words expressing the said recreational obligation, it is I think likely that the recreational right was created by an inclosure award; possibly that authorised by the Annual Inclosure Act 1859 (22 Vict.c.3.), in the schedule of which mention is made of a provisional order dated 25 June 1858 relating to Ashreigney. However this may be, to preserve such right I need not mention it in my direction to the County Council, as it is preserved by the land being registered under the 1965 Act as a Town or Village Green, see section 22.

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 18th — day of May — 1981

a.c. Baron Fulle

Commons Commissioner