



COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/150 to
153 inclusiveIn the Matter of Witheridge Moor,
Witheridge, North Devon District,
DevonDECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry Nos 1 and 2 in the Rights Section of Register Unit No CL 224 in the Register of Common Land maintained by the Devon County Council and are occasioned by Objection No 232 made by Lieutenant Colonel W H Amory and noted in the Register on 19 October 1970 and by Objection No 535 made by Mr Kenneth Basil Reed and noted in the Register on 16 February 1971.

I held a hearing for the purpose of inquiring into the disputes at Barnstaple on 9 May 1979. At the hearing (1) Mr R A Boundy on whose application the registration at Rights Section Entry No 1 was made, was represented by Mr C M Verney solicitor of Crosse Wyatt & Co, Solicitors of South Molton; and (2) Mr K B Reed and Mrs E M Reed on whose application the registration at Rights Section Entry No 2 was made (he is one of the objectors) was represented by Mr V H Joffe of counsel on the instructions of F J Suter Solicitor of Tiverton.

The land ("the Unit Land") in this Register Unit contains (according to the Register) about 191 acres. As regards Objection No 232, I have a letter dated 3 May 1979 from Mr A B Benn of the Knightshayes Estate Office in which he says on behalf of Lt Colonel W Heathcoat Amory that he withdraws this objection and explaining why he and his son Mr Ian Heathcoat Amory (the present owner of Witheridge Moor, OS No 1139) are prepared to do this rather than pursue the case any further. The grounds of Objection No 535 (Mr Reed) are that the land coloured pink on the enclosed plan was not common land; the plan shows about 5 acres of land along and within part of the south boundary of the Unit Land; Mr Verney was agreeable to my giving effect to this Objection.

In the above circumstances, with the agreement of Mr Verney and Mr Joffe, I confirm the registration at Entry No 1 in the Land Section with the modification that there be removed from the Register the land coloured pink on the plan enclosed with Objection No 535, and I confirm the registrations at Entry Nos 1 and 2 in the Rights Section without any modification save that which is consequential on the removal of the said land from the Register.

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 8th — day of June — 1979

a. a. Baden Fuller