

COMMONS REGISTRATION ACT 1965



Reference Nos. 209/D/137-139

In the Matter of Beesands Green (part),
Stokenham Devon

DECISION

These disputes relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 28 in the Register of Town or Village Greens maintained by the Devon County Council and are occasioned by Objection No. 62 made by Major A W Rainey and noted in the Register on 1 September 1970, and Objections Nos. 304 and 617 made by Beesands Estates Ltd and by Mr T J Honeywill and Mr J S Honeywill respectively and both noted in the Register on 25 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Dartmouth on 20 May 1980. The hearing was attended by Mr J Broom, Solicitor, on behalf of the Devon County Council and by Mr S Tuckey of Counsel, on behalf of Beesands Estates Ltd, Mr T J Honeywill and Mr J S Honeywill. There was no appearance by or on behalf of Major Rainey, but Mr Broom said that it was agreed that the land the subject of Major Rainey's Objection should be excluded from the Register Unit.

The other parts of the land comprised in the Register Unit adjoin the land comprised in the Register Unit No. VG 18 and for the purpose of these proceedings are undistinguishable from it. For the reasons given in my decision in In the Matters of Beesands Green, Stokenham, Devon (1980), Ref. Nos. 209/D/135-136 I decided to confirm the registration with the following modification: namely, the exclusion of the land the subject of Objection No. 62.

Beesands Estates Ltd, being aggrieved by those decisions, required me to state cases for the opinion of the High Court.

The cases came before Warner J on 12 February 1982.

The learned judge stated that in substance there was one decision and one appeal and he proposed to treat them as such.

The learned judge remitted the case to me, and I re-opened the hearing at Dartmouth on 8 June 1982. The re-opened hearing was attended by Miss Sheila Cameron, QC. on behalf of the Devon County Council and by Mr S Tuckey, QC. on behalf of Beesands Estates Ltd.

For the reasons set out in my further decision in In the Matter of Beesands Green, Ref. Nos. 209/D/135-136 I confirm the registration.

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

July

1983


Chief Commons Commissioner