

COMMONS REGISTRATION ACT 1965



Reference No. 209/D/370-374

In the Matter of Furzehill Common, including Land at
Gammons Covin Lynton

DECISION

This dispute relates 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.152 in the Register of Common Land maintained by the Devon County Council and is occasioned by objections Nos 40, 568 and 569.

I held a hearing for the purpose of inquiring into the dispute at Barnstaple on 4 October 1984. The hearing was attended by Mr E Duffy of Messrs. Furse Sanders, Solicitors of South Molton appeared for Mr Fore, Mr J N Holden appeared in person and Mr J Whitwell appeared for Somerset County Council.

This matter was first heard on 9 December last when it was adjourned generally to enable the parties to reach a settlement which could be embodied in a judgment by consent pursuant to paragraph 31 of the 1971 regulations. I recorded that I had been informed by Mr Duffy that Mr Ford the successor of both applicants in the Rights Section.

Miss B Williams an Ecologist representing the Exmoor National Park Authority who appeared at the first hearing did not attend the second hearing and the Park Authority was not represented.

No one appeared in support of Objection No. 40 but Mr Whitcutt represented the Somerset County Council which had lodged Objections 568 and 569. Objection 568 alleged that an area (the area to which Objection No. 40 related) was not Common Land at the date of Registration and both applicants in the Rights Section had agreed that this area, more than 50% of the whole unit, should be excluded from registration.

Objection 569 would only have become relevant if objection 568 had failed wholly or in part.

For these reasons I confirm the registration at Entry No. 1 in the Land Section subject to the exclusion of the land, the subject of objections No. 568 and I confirm the registrations at Entry Nos 1 and 2 in the Rights Sections in relation to the modified Common.

Where there have been dealings within the land mentioned in Column 5 of the Rights Section which include rights of Common the rights must be divided proportionately to the acreage of the land transferred or retained.

The value of a unit (N.F.U. Scale) should be endorsed in the Rights Register and if there is any disagreement the dispute must be referred to me.

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

11th

day of

October

1984

Commons Commissioner