



COMMONS REGISTRATION ACT 1965

Reference No.9/U/30

In the Matter of Kilmington Common
and Manorial Waste, Kilmington, Devon.

DECISION

This reference relates to the question of the ownership of land known as Kilmington Common and Manorial Waste, Kilmington, being the land comprised in the Land Section of Register Unit No.C.L.149 in the Register of Common Land 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 Kilmington Parish Council claimed to be the freehold owner of the land in question and no other person claimed 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 18th July 1972. Mr. B. Beckingsale, solicitor, appeared for the Parish Council.

By the Kilmington Inclosure Award, dated 18th June 1845, the land in question in this reference was allotted to the churchwardens and overseers of the poor for the time being of the parish of Kilmington to be used and enjoyed as a place of exercise and recreation of the neighbouring population. It is stated in a return of the endowed charities for the parish of Kilmington, ordered by the House of Commons to be printed 10th May 1910, that this land was vested in the Parish Council.

On this evidence I am satisfied that the Kilmington Parish Council is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register the Kilmington Parish Council as the owner of the land.

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 25th day of July 1972


Chief Commons Commissioner