



COMMONS REGISTRATION ACT 1965

Reference Nos. 209/D/306
209/D/307

In the Matter of Peter Tavy Great Common,
part Smeardon Down, Cudlipptown Down,
Cudlipptown Green, Smith Hill, Wapsworthy Common,
Standon Down, Nattor Down, Willsworthy,
part Blackdown, Willsworthy Pound, the Combe
and Little Common, all in Peter Tavy,
West Devon District, Devon

SECOND DECISION

This second decision is supplemental to my decision dated 7 October 1983 and made by me after a hearing at Plymouth in June and October 1982 about the registrations in the Land Section and the Rights Section of Register Unit No. CL194 in the Register of Common Land maintained by Devon County Council.

This second decision is occasioned by my having been told that my said 1983 decision decides nothing about the Rights Section registrations at Entry Nos 166, 232, 233 and 234; although these Entry Nos. are mentioned in the first paragraph of it, they are not mentioned in it at all elsewhere.

This second decision therefore deals with and only with the following Rights Section registrations:- No. 166 made on the application of Ewart Sydney Rice of rights attached to part Hilltown Farm, Peter Tavy, of turbarry, take stones, cut bracken and rushes, and graze 10 cattle 40 sheep; No. 232 made on the application of Michael Rhys Hardy Allen and Rosemary Carol Glynne Allen of rights attached to Shortlands, Whitchurch of turbarry, estovers and graze 40 cattle 20 ponies 100 sheep; No. 233 made on the application of Robert Douglas Sweet attached to Downwell Pastures, Whitchurch of turbarry, estovers and graze 50 cattle 30 ponies 150 sheep; and No. 234 made on the application of George Villett Rolleston of rights attached to Heckwood Whitchurch of turbarry, estovers, and graze 80 cattle 50 ponies 200 sheep.

These four registrations are not within the Rights Section Objections Nos. 396 and 397 made by HRH Charles Prince of Wales, Duke of Cornwall and are not within Objections Nos. 439 and 440 made by the Peter Tavy Commoners Association. They are only in question because by section 5(7) of the 1965 Act they are all in question consequentially on the Land Section Objections Nos. 55 made by the Secretary of State for Defence, No. 189 made by Mr A J Alford, No. 436 made by Mr Frank W Collins and Nos. 479 and 480 made by Mr Cyril George Abel.

I can find nothing in my notes and have no recollection of anything being said at the hearing about any of these four registrations particularly. In my opinion they are all within the reasoning set out in the last paragraph of page 17 of my said 1984 decision and accordingly my decision now is "I CONFIRM the Rights Section registration at Entry Nos. 166, 232, 233 and 234 without any modification save such as necessarily consequential on the removal from the Register of the parts of the Unit Land specified in sub paragraphs (a), (b), (c), (d), and (e), of paragraph 1 of the Fourth Schedule (Decision table) to my said 1984 decision (such removal being consequential on the said Land Section Objections).



- 2 -

Because this second decision is more than 3 years after the hearing and it may be that I have overlooked something then said about them, I give to any person who was present or represented at the 1983 hearing or who applied for or is otherwise interested in any Rights Section registration by my said 1984 decision confirmed, liberty to apply to set aside this second decision. Any such application should in the first instance be made by letter to the Clerk of the Commons Commissioners in London, should specify with reasons how the applicant considers this second decision should be altered, and should be made before the expiration of THREE MONTHS from the day on which this decision is sent out or within such extended time as a Commons Commissioner may allow.

I regret any trouble or expense which any person may have by reason of the omission of the said four registrations from the list in paragraph 6 of the Fourth Schedule (decision table) to my 1984 decision, such omission seemingly being an accidental slip on my part.

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 23rd - day of January _____

1986

a. a. Baden Fuller

Commons Commissioner