



COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/322
209/D/323In the Matter of Sourton Commons,
Sourton, West Devon District, DevonDECISION

These disputes relate to the registrations at Entry Nos 1 to 59 inclusive, 61 to 93 inclusive and 95 to 144 inclusive (Nos 60 and 94 have been cancelled) in the Rights Section and at Entry Nos 1 and 2 in the Ownership Section of Register Unit No. CL 97 in the Register of Common Land maintained by the Devon County Council and are occasioned by the Objections listed in the First Schedule and by some of the registrations being in conflict as in such Schedule mentioned.

I held a hearing for the purpose of inquiring into the disputes at Plymouth on 8 and 9 March 1983. At the hearing: (1) the Sourton Commoners Committee who made Objections Nos 124, 372 and 382 were represented by Mr D M Crocker solicitor of Bellingham & Crocker, Solicitors of Plympton (he said that the Bridestowe Commoners and the Sourton Commoners Committee were one association); (2) the Attorney-General for the Duchy of Cornwall who made Objections Nos 388, 389, 390 and 391 was represented by Mr C Sturmer, their Land Agent for Dartmoor; (3) Lady Sylvia Rosalind Pleadwell Sayer attended in person, (a) on her own behalf and as representing Vice-Admiral Sir Guy Bouchier-Sayer, they being the applicants for the registration at Entry No. 42, (b) as representing Admiral Sir James E F Eberle as successor in title of Mr David Miller Scott on whose application the registration at Entry No. 43 was made, and (c) as representing Mrs Eleanor Nancy Smallwood on whose application the registration at Entry No. 91 was made; (4) Mr Philip Ivan Pellow, Mr Courtenay John Heard, Mr Kenneth Cyril Heard and Mr Lesley James Leonard Heard on whose application the registrations at Entry Nos 57, 98, 105 and 141 were respectively made, were represented by Mr F J Woodward solicitor of Burd Pearce Prickman & Brown, Solicitors of Okehampton; (5) Lt-Col Vincent Warwick Calmady-Hamlyn on whose application the registrations at Entry Nos 110 and 112 to 138 inclusive were made, was represented by Mr J P Hastings chartered surveyor of Stratton & Holborrow, Chartered Surveyors and Land Agents of Exeter; (6) Mrs R M Joy as successor in title to Major Leonard Thomas Sheasby on whose application the registration at Entry No. 97 was made was represented by Mr P A Elliot solicitor of Foot & Bowden, Solicitors of Plymouth; and (7) South West Water Authority as successors in title of North Devon Water Board who made Objection No. 519 were represented by Mrs F G Canning solicitor in their Legal and Estates Department.

The land ("the Unit Land") in this Register Unit is a tract of about 700 acres in the parish of Sourton being bounded on the east and southeast for the most part by Bridestowe and Sourton Common (Register Unit No. CL 96) and extending westwards towards Crandford Bridge (so as to include Southerly Down), towards Lake Viaduct (so as to include Lake Down), towards Sourton (so as to include Sourton Tors and a comparatively narrow strip to and beyond the line of the old railway up to a point about 50 yards from the A386 road, and towards Forda (so as to include



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Prewley Moor and an area of about 80 acres northwest of the said A386 road). In the Ownership Section Lt-Col V W Calmady-Hamlyn is registered as the owner of all the Unit Land and HRH Charles Prince of Wales, Duke of Cornwall is registered as owner of the part ("the Duchy Part") of the Unit Land hatched in red and lettered A on the Register map, being an area a little more than one quarter of the Unit Land including South Tors but not including Prewley Moor to the north or Lake Down to the south; and also a comparatively very small strip just within the east boundary of the Unit Land and lying between Lake Down and Combe Down.

On 8 October, Mrs Canning referred to the plan enclosed with Objection No. 519 which shows coloured green a strip of land from east to west about 700 yards long (neglecting where the strip crosses the line of the old railway and the A386 road) and between about 10 and 20 yards wide. As explaining the Water Authority rights she produced the 1948 conveyance mentioned in Part I of the Second Schedule hereto by which rights over the strip were granted to North Devon Water Board. The strip is now (and I suppose ever since 1948 has been) used for under surface pipes to Prewley Treatment Works. She said that the Authority would be satisfied if all the Rights Section registrations were subject to the Water Authority Provision set out in paragraph 1 of the Decision Table being the Third Schedule hereto. All persons present or represented at the hearing agreed that the Objection could be disposed of accordingly. The Water Authority Provision if effective could not reduce the value of any Rights Section registration by more than a very small amount, much smaller I would think than the costs incurred by those who might be concerned if I was to hear evidence and argument as to the exact legal effect of the pipes having been under the strip for a long time; accordingly I treat those present or represented at the hearing as regards this Objection as representing all absent parties interested in any registration, enough to justify me giving a compromise decision as suggested by Mrs Canning; so my decision is that all the registrations in these proceedings by me confirmed shall be subject to the Water Authority Provision as set out in the said Decision Table.

During the course of the hearing it was agreed between Mr Hastings and Mr Sturmer that the conflict in the Ownership Section should be resolved by my confirming Entry No. 1 without any modification and confirming Entry No. 2 with the modification set out in the past paragraph of the said Decision Table. And I have a letter dated 3 March 1983 from Ford Simey & Ford, solicitors of Exeter on behalf of Lt-Col V W Calmady-Hamlyn to this effect. My decision is accordingly.

Except in relation to the Water Authority strip and the Ownership Section conflict and except as hereinafter particularly mentioned, the disputes relating to the Unit Land were essentially the same as those relating to Register Unit No. CL 96 (Bridestowe and Sourton Common) about which I held a hearing before this hearing relating to the Unit Land and about which I have given decision ("my CL 96 decision") of even date. Because those at this Unit Land hearing often referred to what had been said at the CL 96 hearing, to shorten this decision, my CL 96 decision should be treated as repeated herein.

In the course of this Unit Land hearing Mr Woodward on behalf of Mr P I Pellow, and Mr Crocker on behalf of the Commoners Committee were agreed that I should confirm the registration at Entry No. 57 with a modification similar to that agreed in relation to CL 96 Entry No. 94; and Mr Woodward on behalf of Mr C J Heard, Mr K C Heard and Mr L J L Heard said that they conceded that the evidence they



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gave at the CL 96 hearing was not applicable to the Unit Land, and that accordingly I could refuse to confirm the registrations at Entry Nos 98, 105 and 141. My decision is accordingly.

Mr Sturmer said that Objection No. 388 was by the Duchy withdrawn as regards all the registrations mentioned in it except those at Entry Nos 95 and 96; the substance of the Objection so far as it related to these two excepted registrations (Mrs E A J Worthington and Mrs V E Knapman) was that they were in respect of land in South Tawton and the Duchy had received no Venville payments in respect of such lands. However as all the registrations mentioned in this Objection were also mentioned in Objections Nos 124 and 372 made by the Sourton Commoners Committee and such Objections were not withdrawn, the Duchy withdrawal was in relation to my decision of no significance.

Lady Sayer as regards the registrations at Entry Nos 42, 43 and 91 as I understood her relied on the submission letter and map (S/301, S/302 and S/303) produced at the CL 96 hearing and the Duchy's said withdrawal as regards these registrations of Objection No. 388. So much of my CL 96 decision as relates to submissions and arguments at the CL 96 hearing made by Lady Sayer for the registrations and by Mr Crocker against them should be treated as repeated herein; for the reasons therein stated my decision as to the Unit Land Rights Section is that the registrations at Entry Nos 42, 43 and 91 were not properly made.

It was agreed that the evidence of Mr Sturmer against the rights of piscary, shooting and pannage given at the CL 96 hearing should be treated as given at this Unit Land hearing. So my said CL 96 decision is applicable to the Unit Land Objections Nos 389, 390 and 391 made by the Duchy, and accordingly my decision about them is that they wholly succeed.

I consider next the 40 registrations at Entry Nos 4, 8, 15, 21, 23, 25, 30, 31, 38, 39, 41, 102, 110 and 112 to 138 inclusive of which 27 were made on the application of Lt-Col V W Calmady-Hamlyn and 13 were made on the application of his tenants and which were to some extent in conflict.

Objection No. 872 relating to Entry No. 102 was withdrawn by Mr Crocker but in view of the agreement hereinafter mentioned by which Mr J H Metheral withdrew the registration at Entry No. 102 in favour of No. 134 the withdrawal of the Objection No. 872 is not relevant.

As to so many of the 40 registrations as are in conflict, I had agreements in writing either sent to the office of the Commons Commissioners or produced by Mr Hastings (V W C-H/1) at the CL 96 hearing the effect of which is (changing as needed the relevant words in my CL 96 decision):- As to the conflict between Nos 39 and 125 I have a letter dated 6 May 1982 sent to the Commons Commissioners and signed by Lt-Col Calmady-Hamlyn and Mr B W J Lavis on whose application the registration at Entry No. 39 was made of a right attached to Great Crandford Farm and by which he agreed to withdraw No. 39 so that the owner's registration No. 125 should stand. The papers produced at the hearing by Mr Hastings signed as next mentioned showed the applicant tenants or their successors in title had agreed to withdraw their tenant registrations so that the owner's registration should stand, being: No. 4 Higher Wordens and Alice Ford on the application of Charles Heathman, signed by Mrs P Reeder as present tenant, so No. 120 stands; No. 8 Woodgates Farm on the application of Edgar Walter Alford, signed by W J L Heard as present tenant,



so No. 114 stands; No. 15 land at Sourton on the application of Albert Stephen George Daniel, signed by S E Daniel as present tenant, so No. 116 stands; No. 21 Collaven and Ball Park on the application of William Patrick Fogerty signed by him, so No. 121 stands; No. 23 Combe Farm on the application of Clifford Horn, signed by G J Horn as present tenant, so No. 124 stands; No. 25, Part Hall Farm on the application of George William Alford and No. 38 Palmers Sourton on the application of Edward Fred Cullen, signed by G R Alford as present tenant (successor to both Nos 25 and 38) so No. 117 stands; No. 30 East Lynne, on the application of Edward Gale and No. 41 Lake Farm on the application of Olive Mary Jury & Sons signed by R J Jury as present tenant (of both East Lynne and Lake Farm) so Nos 137 and 127 stand; No. 31 on the application of David Claude Ball signed by him so No. 118 stands; No. 102 land at Bridestowe and at Pool on the application of Mrs Louise Annie Worden signed by J H Metheral as present tenant, so No. 134 stands. As regards the registration at Entry No. 31 to East Lynne, Mr Hastings produced the Leawood Estate Report of 1961 which showed the Tenant of Higher Collaven was then Mr Edward Gale and recorded that he on 25 March 1969 surrendered the OS Nos in the Register described as "East Lynne" and that they were then let to Messrs Jury.

Even if having regard to the above resolution of the conflicts I refuse to confirm all the said 13 tenant registrations, treating said 27 Owner registrations as preferable, I still have to consider Objection No. 900 which relates to the following 13 (out of the said 27) of the Owner registrations that is those at Entry Nos 110, 113, 122, 125 to 132 inclusive, 134 and 136.

As to these last mentioned 13 registrations, at the hearing Mr Crocker claimed that the Objection must succeed because Lt-Col V W Calmady-Hamlyn as owner of a farm could not have a right of common over the part of the Unit Land (being the greater part) of which he was the owner and that this being the law it was not necessary for me to consider any evidence. In section 22 of the Commons Registration Act 1965 "rights of common" are defined as not including "rights held for a term of years or from year to year"; so any right a tenant of Lt-Col V H Calmady-Hamlyn may have had under his tenancy was not properly registrable. But it does not follow that for the purposes of the Act, a registration of a right of common is a matter of law necessarily improper merely because it is applied for by a person who has also applied for the registration of himself as owner of the land over which the right is exercisable. A "quasi right of common" was treated for some purposes as possible in *Musgrave v. Inclosure* (1874) LR 9QB 162; a possibility (there may be others) is that a person A owns a common and also a number of farms around it let by him to tenants P, Q, R, S, ..., that there are other farms around the common owned by B, C, D, E, ..., and that the common is grazed by B, C, D, E, P, Q, R, S, ..., in common on the same basis as would be applicable if the common was owned by a person different from any of the owners of the farms; in such circumstances it would be convenient if A as owner registered his quasi rights of common in respect of his farms tenanted by P, Q, R, S, and I know that in some parts of the country this has been done. I can think of no reason against it; indeed to treat quasi rights of common as not registrable would cause confusion, because those inspecting the register might suppose that P, Q, R, S, as tenants of A could not graze on the common on an equal basis but only subject to the rights of B, C, D, E, ... At the hearing I expressed the view to which I still adhere, that the existence or non-existence of a quasi right of common is a matter of fact not of law. Having heard this view Mr Hastings and Mr Crocker asked for an adjournment so they could consider the position; and I granted them liberty to mention the matter again on 5 July.



On 5 July while I was in Plymouth on other business, the matter was mentioned, the Sourton Commoners Committee being then represented by Mr P W Harker solicitor of Bellingham & Crocker and Lt-Col Calmady-Hamlyn by Mr Hastings as before; Mr Brian William John Lavis of Great Crandford Farm on whose application the registration at Entry No. 39 (in conflict with No. 125) was made, was present in person. Mr Harker and Mr Hastings said that they were agreed (i) that the registrations at Entry Nos 110, 113, 122, 126 to 132 inclusive, 134 and 136 should be avoided because there had been no grazing in fact from the relevant farm on the Unit Land, and that as a result of the registrations being avoided the tenants could only exercise such rights over it as Lt-Col Calmady-Hamlyn could grant to them as owner; and (ii) that the registration at Entry No. 125 was properly made and ought to be confirmed because the tenant of Great Crandford Farm had for many years grazed the Unit Land on the same basis as it had been grazed by the commoners represented by the Sourton Commoners Committee. Mr Lavis told me that his farm contained about 222 acres that he had been tenant since 1966 and his father had been tenant before him since 1926 and before that his grandparent (four generations altogether) that there were gates from his farm leading directly on to the Unit Land across its south boundary and that notwithstanding that his farm was not in the parish of Sourton there had been grazing from it on the Unit Land by himself and so he understood previous tenants. Mr Harker conceded that the Unit Land had been actually grazed as described by Mr Lavis.

I consider that in the above circumstances I can properly act as regards all these 40 registrations on the documents produced and the statements made as above recorded and my decision is therefore that those at Entry Nos 4, 8, 15, 21, 23, 25, 30, 31, 38, 39, 41, 102, 110, 113, 122, 126 to 132 inclusive, 134 and 136 were not properly made but the others (being Nos 112, 114 to 121 inclusive, 123 to 125 inclusive, 133, 135, 137 and 138) modified as in this decision elsewhere provided were properly made.

As regards the other registrations (not herein before dealt with) specified in Objections Nos 124, 372, 872 and 900 made by Sourton Commoners Committee, oral evidence in support of the Objections was given by Mr William Patrick Fogerty who has lived on Ball Farm, Sourton and has for the last 15 years been a member of the Committee. He said in effect:- The Unit Land was grazed on a parochial basis by farms in the parish of Sourton known to the Committee but exceptionally, there were some accepted graziers from outside; the Objections were made on the basis of the knowledge available to the Committee; the registrations therein specified were in respect of lands from which as far as the Committee knew there had been no grazing on the Unit Land. In the absence of any evidence in support of the registrations so specified, my decision is that they should be avoided.

There remain registrations which are in question in these proceedings by reason of Objection No. 519 made by North Devon Water Board relating to their strip and by reason of Duchy Objections Nos 389, 390 and 391 relating to piscary, shooting or pannage. If these registrations as originally made had excluded the said strip and had not included piscary, shooting or pannage they would have become final under section 7 of the 1965 Act. The circumstance that the Sourton Commoners Committee has made no particular Objection to them, in the light of the evidence of Mr Fogerty, is some evidence that they were properly made. Except as regards the registrations which are of "to stray" and no more, I have no reason to doubt these remaining registrations, and nobody at the hearing suggesting otherwise my decision is that all such registration (except as aforesaid) were properly made.



A registration of a right "to stray" is confusing because it is not clear that the right intended to be registered is a right by reason of vicinage only (in my view a right not properly registrable under the 1965 Act) or a right to graze which is registrable. Rights "to stray" were mentioned and discussed at other hearings I have held about lands in the Dartmoor National Park, and I have set out the considerations applicable under the heading "Straying" in my decision dated 30 June 1983 about the Forest of Dartmoor (Register Unit No. CL 164); such considerations should be treated as repeated herein. In the absence of any evidence that the rights so registered would be proper even if they were modified by being expressed as a right "to graze", my decision is that they were not properly made and in the public interest ought to be avoided. But because persons who have not attended or been represented at the hearing may have been by the form of the Objections referred to me have been misled into thinking that their registrations would as of course in their absence be confirmed, I give to all the persons who applied for such registrations or their successors in title liberty to apply to re-open the hearing in accordance with paragraph 10 of the Third (and last) Schedule hereto. From this liberty I except Mrs R M Joy because Mr Elliot who represented her at the hearing indicated she could not offer evidence of any right greater than that by reason of vicinage.

The effect of my decisions above recorded is set out in the Decision Table being the Third Schedule hereto.

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.

T. R N OVER



FIRST SCHEDULE
(Objections)

Nos 124, 372, 872 and 900: made by Sourton Commoners Committee and noted in the Register on 17 September, 27 October, 13 November 1970 and 18 March 1971:- (No. 124) "right does not exist at all", applicable to Entry Nos 16, 18, 42 and 43; (No. 372) "right does not exist at all" applicable to Entry Nos 45, 46, 54 to 57 inclusive, 61 to 85 inclusive, 87, 88, 89, 91, 95 to 99 inclusive, 101, 104, 105, 141, 142 and 144; (No. 872) "right only exists in respect of OS Nos 338, 339, 341, 358, 357, 382, 360 & 361 (in Sourton) & consequently the right to graze should be reduced to 15 NFU Units of Stock, applicable to Entry No. 102; and (No. 900) "the right does not exist at all", applicable to Entry Nos 110, 111, 113, 122, 125 to 132 inclusive, 134 and 136.

Nos 388, 389, 390 and 391: made by HRH Charles Prince of Wales, Duke of Cornwall and noted in the Register on 17 December 1970:- (No 388) "no right exists on the part of the land in the Register Unit hatched red and lettered A on the Register map ("the Duchy Part"), applicable to Entry Nos 42, 43, 61 to 78 inclusive, 91, 95 and 96; (No. 389) no right on the Duchy Part for shooting, applicable to Nos 47, 48, 55, 79, 80, 82 to 88 inclusive and 90; (No 390) "no right on the Duchy Part for piscary", applicable to Entry Nos 45 to 48 inclusive, 54, 59, 79 to 90 inclusive, 93, 98, 99, 101, 102, 104, 105, 106, 108, 110, 112 to 139 inclusive, 141, 142 and 144; and (No 391) "right of pannage does not exist on Duchy Part", applicable to Entry Nos 93 and 102.

No 519: made by North Devon Water Board and noted in the Register on 31 December 1970, that the right does not extend to the part of the land included in this register unit and coloured green on the plan enclosed, or as modified to the extent necessary to enable the Board to exercise their easements and rights", applicable to all the Rights Section registrations.

Conflicts:- (a) In the Rights Section, not referred as such, but noted in the Register: Entry Nos 4 with 120, 8 with 114, 15 with 116, 21 with 121, 23 with 124, 25 with 117, 30 with 137 and with 123, 31 with 118, 38 also with 117, 39 with 127, 41 also with 123, 102 with 134, 114 with 8, 116 with 15, 117 with 25 and with 38, 118 with 31, 120 with 4, 121 with 21, 123 with 30 and with 41, 124 with 23, 125 with 39, 134 with 102, 137 with 30. (b) In the Ownership Section between Entry Nos 1 and 2.

TURN OVER



SECOND SCHEDULE
(documents produced)

Part I: on behalf of South West Water Authority

-- 8 June 1948 Conveyance by CHH Calmady-Hamlyn and his mortgagee and trustees to North Devon Water Board of rights in strip of land.

Part II: on behalf of Mrs R M Joy

EGJ/1 3 October 1978 Conveyance by J E N Tritton to E G Joy and R M Joy of Higher West Bowden containing 23.838 acres.
EGJ/2 29 August 1963 Conveyance by E P Danby to D A Hodge of same premises including OS No. 1735 containing 0.250 acres.

Part III: produced by Lady Sayer

S/301 7 March 1983 Submission headed CL 96.
S/302 18 October 1977 Letter from Farrer & Co to Vice-Admiral Sir Guy Sayer saying Duchy no longer disputing rights registered by Venville tenants.
S/303 -- Copy map submitted in 1957 to Royal Commission by Dartmoor Commoners Association.

Part IV: referred to or produced by Mr Hastings

-- 6 May 1982 Letter to Commons Commissioners signed by Lt-Col V W Calmady-Hamlyn and B W J Lavis Esq.
VWC-H/1 -- Bundle of similar letters.

TURN OVER.



THIRD SCHEDULE
(Decision Table)

1. For the purpose of enabling some of the modifications herein directed to be conveniently registrable, I direct Devon County Council as registration authority to make an entry in the Rights Section by reference to such maps if any as they may think fit to provide which is to the following effect:- "In this Rights Section the Water Authority Provision means:- Provided except as regards grazing the rights shall not extend over the parts of the land in this register unit coloured green on the plan enclosed with Objection No. 519 made by the North Devon Water Board and noted in the Register on 31 December 1970".
2. I refuse to confirm the registrations sought to be supported as being in respect of Venville rights, that is those at Entry Nos 42 (Sir G and Lady Sayer), 43 (D M Scott) and 91 (Mrs E M Smallwood).
3. As agreed, I confirm the registration at Entry No. 57 (P I Pellow) with the modification that in column 4 the word "piscary" be deleted, that for the words "to graze 40 cattle, 300 sheep, 20 ponies" there be substituted "to graze 19½ stock units on the NFU scale", and that there be added at the end "subject to the Water Authority Provision in this Rights Section defined"; and for all in column 5 there be substituted "Land at Cawsen Down, Sourton comprising OS Nos 385 (2nd Edition 1906) for the parish of Sourton". And as conceded I refuse to confirm the registrations at Entry Nos 98, 105 and 141 (C J Heard, K C Heard and L J L Heard).
4. In accordance with my above recorded decision about the 40 registrations made on the application of Lt-Col V W Calmady-Hamlyn or which are in conflict with registrations made on his application, I refuse to confirm the registrations at Entry Nos 4, 8, 15, 21, 23, 25, 30, 31, 38, 39, 41, 102, 110, 113, 122, 126 to 132 inclusive, 134 and 136, and I confirm the registrations at Entry Nos 112, 114 to 121 inclusive, 123 to 125 inclusive, 133, 135, 137 and 138 with the modification (in all such last listed 15 registrations) in column 4, the word "piscary" be deleted and there be added at the end "subject to the Water Authority Provision in this Rights Section defined".
5. I refuse to confirm any of the other registrations (not in this Schedule before mentioned) specified in Objections Nos 124, 372, 872 and 900 that is to say those at Entry Nos 16, 18, 45, 46, 54 to 56 inclusive, 61 to 85 inclusive, 87, 88, 89, 95 to 97 inclusive, 99, 101, 104, 142 and 144.
6. I refuse to confirm the registrations being of rights "to stray" that is to say those at Entry Nos:- 33, 34, 35, 51, 52, 53, 100, 103, 107, 109, 140 and 143, but so that persons on whose application the said registrations were made or their successors in title are to be at liberty to apply as below mentioned in this Schedule.
7. I confirm the registration to which the Sourton Commoners Committee have made no objection and which are not in this schedule before mentioned being those with the following Entry Nos: 1, 2, 3, 5, 6, 7, 9 to 14 inclusive, 19, 20, 22, 24, 26 to 29 inclusive, 32, 36, 37, 40, 44, 47 to 50 inclusive, 58, 59, 86, 90, 92, 93, 106, 108, 111 and 139 with the modification that in column 4 the words "piscary", "to shoot", "shooting", and "pannage" be deleted when in any of the said



registrations they occur and that there be added at the end (in respect of every such registration) the words "subject to the Water Authority Provision in this Rights Section defined".

8. I confirm the registration at Entry No. 1 in the Ownership Section without any modification, and I confirm the registration at Entry No. 2 in the Ownership Section with the modification that at the end in column 4 there be added "except the part of the land in this register unit hatched in red and lettered A on the register map."

9. Because much of this decision relates to persons who were not present or represented at the hearing and is dependent on agreements or statements about which there may be herein some mistake or error, I give liberty to apply to any person who might be affected by any such mistake or error.

10. Any application under any liberty to apply in this decision granted should be made within THREE MONTHS from the day on which notice of this decision is sent to the persons entitled to have it, but so that application may be made to a Commons Commissioner to enlarge this three month period. Any such application should in the first instance be by letter to the clerk of the Commons Commissioners stating the alteration in this decision which the applicant consider should be made and the evidence (identifying any documents relied on) which would be adduced if the Commissioner directs a further hearing. A copy of the application should be sent to any person who might be adversely affected by it being granted and also the County Council for their information as registration authority. As a result of the application the Commons Commissioner may direct a further hearing unless he is satisfied that the error or mistake is obvious and all those concerned are agreeable. Of such further hearing notice will be given only to the persons who on the information available to the Commons Commissioner appears to him to be concerned with the registration in question. Any person who wishes to be given notice of any further hearing should by letter inform the clerk of the Commons Commissioners as soon as possible specifying the registration a further hearing about which he might wish to attend or be represented at.

Dated the 13th day of October 1983

A. A. Baden Fuller

Commons Commissioner