



In the Matter of Sticklepath Moor,  
Sampford Courtenay

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.40 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 Sampford Courtenay Parish Council claimed to be the freehold owner of the land in question ("unit land"). 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 8 July 1986.

At the hearing Mr F I Woodward, Solicitor, appeared on behalf of the Parish Council. There was no other claimant present or represented.

The unit land is, according to the Register, about 18 acres in area and has some 15 Rights Entries which have become final. The Rev. David Bickerton was called and gave evidence. He was the Rector of the parish until recently for a period of 24 years: he is a member of the Parish and has been for many years.

In the Tithe Award of 1844 <sup>the</sup> unit land is stated to be an area of 18 acres and 10 perches and to be in the ownership of John Wills and occupied by George Underhill Wills and others. I was told that there is no record of <sup>the</sup> Wills family since 1874.

Mr Bickerton referred me to several passages in the Minute Books of the Parish Council from 1897 until 1974. I do not, however, find these passages, either collectively or singly, adequate evidence of acts of ownership or of possession by the Parish Council. Thus at a meeting held on 26 April 1971 which referred to a forthcoming meeting of area parish councils it is recorded that Sticklepath Moor was to be claimed on behalf of the villagers and landowners of Sticklepath; but there is no evidence of the basis of this claim, or whether it was pursued. The same comment applies to a reference, in the minutes for 17 January 1972, of a letter written to the County Council claiming ownership of the 4 commons in the Parish. At a meeting held on the 20 March 1974 there is a reference to an arrangement for the hedge of Sticklepath Moor to be trimmed at a cost of £12, but whilst such expenditure would be consistent with ownership, standing by itself it is in my view inadequate to establish the existence of ownership.



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On the evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 of the Act of 1965.

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 this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

4<sup>th</sup>

day of

February

1987

*L. J. Morris Smith*

Commons Commissioner