



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/415

In the Matter of Ugborough Moor,  
Ugborough, South Hams District,  
Devon

THIRD DECISION

This third decision is supplemental to my decision dated 15 November 1984 and made in this Matter relating to the registrations in the Rights Section of Register Unit No. CL156 in the Register of Common Land maintained by Devon County Council after a hearing at Plymouth on 17 and 18 July 1984 and to my second decision dated 17 March 1986 supplemental thereto relating to Entry Nos 96, 109 and 110 in the said Rights Section consequential on a letter dated 1 January 1986 from Mr W J Edmunds.

This third decision relates to and only to the registrations at Entry Nos 109 and 110 made on the application of Mr Stewart Thomas Parnell and Mr William Henry Davies and Mrs Muriel Maud Davies, which registrations include "Piscary, Pannage".

In a letter dated 20 April 1986 Mr Edmunds pointed out that my second decision contained a clerical error in that Entry No. 109 and 110 were within Duchy Objection No. 988. I agree with him, and accordingly I have today corrected my second decision so that the last paragraph on page 2 now reads as set out in the First Schedule hereto (the newly inserted words being underlined).

Since my second decision, letters have been written by the Clerk of the Commons Commissioners to Mr Parnell and Mr & Mrs Davies drawing their attention to so much of my second decision as deals with these registrations, —————→  
—————→ particularly the statement that I will at the expiration of three months having regard to the information then before me give a decision about these registrations and that unless before the expiration of such three months representations from them to the contrary are received, they should not be surprised if they receive a decision by myself to the effect that their registrations has been confirmed with the modification that from it the words "pannage, piscary" are to be deleted. No representation such as is mentioned in the said —————→ letters has been received either from Mr Parnell or from Mr & Mrs Davies. However I have a letter dated 16 September 1986 from Mr W J Edmunds in which he says:-

"With regard to the registrations at entries Nos 109 and 110, both Dr L H Hurrell and Miss L E Hurrell wish them to be modified by the deletion of the words 'pannage and piscary'. Had they been the owners of Ugborough Moor at the relevant time they consider that they would have objected to these claims on the grounds that neither pannage or piscary were (are) valid rights of common in respect of Ugborough Moor, since the physical requirements to enable such claims to be exercised are virtually non-existent.

I have spoken to Mr W H Davies (110) and Mr S T Parnell (109) who have both confirmed to me that they had received a letter from your office in this matter. I understand that neither has replied to you. They have both agreed that they have no objection to their registrations being amended by the deletion of the words 'pannage' and 'piscary'."



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I have at other hearings relating to Register Units in the Dartmoor National Park had evidence that rights of pannage and piscary do not exist because there are no oaks or beeches in such quantity as for it to be worthwhile putting pigs there to eat the acorns or beech nuts and because where there is fishable water, the fishing is protected. Having regard to the wish of Dr L H Hurrell and Miss L E Hurrell (the relevant owners) and the above recorded attitude of Mr Parnell and Mr & Mrs Davies, I shall in due course correct by 1985 decision in the manner specified in the Second Schedule hereto so that in the result the registrations at Entry Nos 109 and 110 will be modified not only as now therein stated by in column 4 inserting "except the part of such land (the Unit Land) hatched red and lettered B on the register map" but also by the deletion in column 4 of "piscary, pannage".

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.

FIRST SCHEDULE  
Correction to March 1986 second decision

The last paragraph on page 2 is corrected so as to make the first 4 lines read as follows (the newly inserted words being underlined):-

Unlike the registrations at Entry Nos 40 and 41 (both within Duchy Objection No. 463 particularly against "Pannage"), the registration at Entry Nos 109 and 110 are not within any Objection other than Duchy Objection No. 988 which is not particularly against either "pannage" or "piscary". *And "piscary" is not ...*

SECOND SCHEDULE  
Correction to 1985 Decision as regards Entry Nos 109 and 110

On page 11 insert after the first paragraph and before the heading "Final", the following new paragraph:-

The registrations at Entry Nos 109 and 110 both include "Piscary, Pannage". Duchy Objection No. 988 puts these registrations wholly in question, notwithstanding that it is limited to the Forest Part, see re Sutton and re West Anstey supra. For reasons essentially the same as those set out in the preceding paragraph I consider that these registrations should be modified by deleting "Piscary, Pannage".

On page 19, at the end of paragraph 3 of the Third Schedule add:-  
and in column 4 of Entry Nos 109 and 110 delete "Piscary, Pannage".

Dated this 29<sup>th</sup> — day of October — 1986

A. A. Baden Fuller

Commons Commissioner