



COMMONS REGISTRATION ACT 1965

Reference No.209/U/1

In the Matter of Whitford Green,
Shute and Musbury, Devon.

DECISION

This reference relates to the question of the ownership of land known as Whitford Green, Shute and Musbury, being the part of the land comprised in the Land Section of Register Unit No.CL.140 in the Register of Common Land maintained by the former 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 Shute 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 2nd July 1975.

At the hearing the Parish Council was represented by Mr R.M.Lowd, its Chairman.

The major part of the land the subject of the reference was conveyed to the Parish Council by a conveyance made 28th September 1972 between (1) Sir John Gawen Carew Pole, bt (2) Shute Parish Council, the title being based on a statutory declaration made by Mr V.B.Insley, who had managed the land for the preceding sixteen years. The only part of the land comprised in the Register Unit not conveyed to the Parish Council was a very small piece on the west side.

On this evidence I am satisfied that the Parish Council is the owner of the major part of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register the Parish Council as the owner of that part under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of the remainder 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 the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 17th day of July 1975

Chief Commons Commissioner