



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/405-406

In the Matter of a piece of land additional to the tract of land known as St Breward Common and Rough Tor Downs and also known as Hamatethy Commons, Aivent, Cornwall

DECISION

1. These disputes relate to the registration at various Entries in the Rights Section of Register Unit No. CL 198 in the Register of Common Land maintained by the Cornwall, County Council and are occasioned by Objections Nos. X291 and X296 both made by C J Greenaway (on behalf of the Hamatethy Commoners Association) and R E H Hall and noted in the Register on 16 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 16 January 1980. The hearing was attended by Mr C J Greenaway and by Mr Gill of the Registration Authority.

2. Objection No. X291 relates to the Entries specified in the Schedule below, and is on the ground that the grazing right should comprised fewer animals. None of the right holders appeared, but I was informed that the grazing rights (which are registered over the land comprised in this register unit and other specified register units which include CL 124) were the subject of a dispute heard in relation to CL 124 and occasioned by a similar Objection: and that it had been agreed that the decision as to the extent of the grazing rights in that case should equally apply in the case before me. I propose to give effect to that agreement by confirming without modification the Entries specified in Part I of the Schedule, and confirming the Entries specified in Part II with the respective modifications there indicated.

The SchedulePart I

Entries confirmed without modification - Nos. 32, 33, 73

Part II

Entries confirmed with modifications

<u>Entry No.</u>	<u>Modification (in Column 4 of Rights Section)</u>
25	For the figures 28, 28, 140 substitute 25, 25, 125
50	For the figures 11, 11, 55 substitute 10, 10, 50
61	For the figures 14, 14, 70 substitute 12, 12, 60
	For "14 head of cattle, 70 sheep and 14 ponies" substitute "12 head of cattle or 12 ponies or 60 sheep"



- 70 For "12 head of cattle" substitute "3 head of cattle
or 3 ponies or 15 sheep"
71 For the figures 45, 45, 225 substitute 11, 11, 55
72 For the figures 140, 140, 700 substitute 129, 129, 645
74 For "60 cows and 12 horses or 300 sheep" substitute "31
cows or 31 horses or 155 sheep"

3. The Entries referred to in the Schedule are registered as rights over the lands comprised in this Register Unit and in other Register Units. I understand that it is accepted that each right is exercisable over the totality of the lands as if they formed one unit, not as an independent right over each of the several lands: and I was asked to make provision to this effect. I suggest that this be done by a Note in Rights Section on the following lines. "In regard to Entries No. 25, 32, 33, 59, 61, 66, 70, 71, 72, 73 and 74, each of the rights specified in Column 4 is a right exercisable over all the lands therein mentioned as if those lands constituted one unit of common land, and not as a right exercisable independently over each of such lands as a separate unit." Subject to any representations any interested party may wish to make as regards the wording of this provision, my directions to the Registration Authority will include the addition of this provision as a Note at the end of the Rights Section. I do not think I can properly direct that this provision apply also to Entries which are not the subject of Objections.

4. Objection No. X296 relates to Entries No. 18, 38 and 67, and is on the ground that the right does not exist at all. I understand that the respective applicants do not wish to support the existence of these rights, and in the absence of evidence of their existence, I refuse to confirm them.

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 3 March 1980

L. J. Morris Smith

Commons Commissioner