

COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/598
206/D/599

In the Matter of Boscaswell
North Cliff and Boswell South Cliff,
Pendeen, St Just Town, Penwith
District, Cornwall

DECISION

These disputes relate to the registrations at Entry Nos 1 and 2 in the Land Section and at Entry No. 3 (replacing Entry No. 1) in the Rights Section of Register Unit No. CL 254 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X.160A made by Cornwall County Council and noted in the Register on 12 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 15 May 1979. At the hearing Cornwall County Council were represented by Mr D Gill their Commons Registration officer.

The Land Section registration which at Entry No. 2 has been amended by the removal of the land coloured violet on the register map, was made in consequence of the application of Mr James Arthur Matthews for registration of a right, being that originally recorded at Entry No. 1 and now by modification recorded at Entry No. 3, being of a right attached to Carn Ros Farm to graze 32 head of cattle over the whole of the land in this register unit (part having been removed from the register map). The grounds of objection are: "That the land was not common land at the date of registration".

I have a letter dated 27 April 1979 from Borlase & Venning, Solicitors of Penzance saying that Mr Matthews has sold the land to which he is entitled to the benefit of the right to Mr Vivian Cock; and Mr Gill produced a letter dated 10 May 1979 sent to him by Vivian Thomas & Jervis, Solicitors of Penzance, in which they say on behalf of Mr Vivian Charles Cock that for the reason stated in the letter and with which I am not concerned, he withdraws the registration. In my view I can act on these letters, so in accordance with their apparent intention, I refuse to confirm the registration.

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 5/6 — day of June — 1979

a. a. Bode Fuller

COMMONS COMMISSIONER