



In the Matter of Bossiney Common, Tintagel,
Cornwall

DECISION

This reference relates to the question of the ownership of land known as Bossiney Common, Tintagel, being the land comprised in the Land Section of Register Unit No. CL.665 in the Register of Common Land maintained by the Cornwall 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

There was no appearance at the hearing, and I gave a decision accordingly. After my decision was issued, I decided on the application of the National Trust to set it aside and reopen the hearing.

I reopened the hearing at Golden Cross Youse, Duncannon Street, London WC2 on 4 July 1983.

At the reopened hearing the National Trust was represented by Mr R S Latham, Solicitor.

The land the subject of the reference is a triangular area of about half an acre. It is recited in an indenture made 23 April 1921 between (1) Arthur Venning Harris and Stephen Dallas Allan Wade (2) Arthur William Foster that John Mitchell Wade, who died on 13 July 1919, was at the time of his death and for many years previously had been seised of the land in question. By this indenture the land was conveyed to Mr Foster. By an indenture made 28 April 1921 made between (1) A W Foster (2) A V Harris Mr Foster conveyed the land to Mr Harris. Finally, by an indenture made 27 January 1922 between (1) A V Harris (2) George Bellamy the land was conveyed to Mr Bellamy.

Mr Bellamy lived at a house called Willapark a short distance to the east of the land in question, and he purchased various parcels of land in the vicinity, presumably in order to preserve the amenities of his house.

Mr Bellamy continued to enjoy his property until he died on 3 July 1935, and his widow lived on until 3 September 1968. When Mrs Bellamy died, the Public Trustee became the sole personal representative of Mr Bellamy. By a Conveyance made 1 October 1976 between (1) The Public Trustee (2) The National Trust for Places of Historic Interest or Natural Beauty the Public Trustee conveyed to the National Trust two areas of land identified on a plan annexed to the conveyance. These areas did not include the land the subject of the reference, but the parcels of the Conveyance also included "All the Vendor's right and interest (if any) in any other parts of the Bossiney Lands not hereinbefore referred to. The Conveyance contains no definition of "the Bossiney Lands" but with the Conveyance the Public Trustee handed over to the National Trust a number of deeds, including the two indentures of 1921 and the indenture of 1922.



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There is no evidence that either the National Trust or any other person has made any beneficial use of the land in question, but during the three years when the present warden of the North Cornish Coast has been employed by the National Trust he has repaired the south-western boundary of the land, replacing fallen stonework and general tidying up the appearance and effectiveness of the hedge, he has kept mown the footpath along the north-eastern boundary of the land, and he has kept the land free of trippers' litter. This work has been done without interference or complaint by any other person.

On this evidence I am satisfied that the National Trust is the owner of the land, and I shall accordingly direct Cornwall County Council to register the National Trust as the owner of the land under section 8 (2) 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

8~~th~~

day of

July

1983


Chief Commons Commissioner