



COMMONS REGISTRATION ACT 1965

Reference Nos: 206/D/340
to 343 inclusiveIn the Matter of Brockabarrow
Common, Blisland, North Cornwall
District, CornwallSECOND DECISION

This decision is supplemental to a decision ("my 1979 decision") dated 5 November 1979 and made by me in this Matter upon evidence given at a hearing at Truro on 3, 4 and 5 July 1979 in relation to land in Register Unit No. CL 165 in the Register of Common Land maintained by Cornwall County Council.

On 2 December 1980 at Bodmin I held a further hearing for the purpose of inquiring into the disputes mentioned in my 1979 decision relating to the registrations at Rights Section Entry No. 21 and No. 44, and not thereby disposed of. At this further hearing Blisland Commoners Association were represented as before by Mr V K Leese, solicitor of Stephens & Scown, Solicitors of St Austell.

As regards the registration at Entry No. ²¹~~44~~ made on the application of Mr Eric Ronald Cornelius of a right attached to Moss Farm and part Churchtown to graze animals as therein mentioned:- At a hearing which was immediately before this further hearing and which related to Shallow Water Common, Mr Cornelius was represented by Mr M C Culver solicitor of Coningsbys, Solicitors of Bodmin. At this hearing a registration essentially the same as that above-mentioned was considered, and it appeared that Mr Leese on behalf of the Association and Mr Culver on behalf of Mr Cornelius were, as recorded in my decision of even date relating to Shallow Water Common (reference Nos 206/D/395-400) agreed what the registration should have been at the date of registration but differed over a problem which had arisen as a result of a conveyance made in 1972 by Mr Cornelius. However they were agreed that my decision in relation to this Brockabarrow CL 165 land should as regards this difference be the same as my decision whatever it might be in relation to the Shallow Water CL 187 land. My decision in relation to that land ~~is~~ of even date ~~from my decision~~ is to the effect that the 1972 conveyance is irrelevant; such decision so far as it relates to this difference should be treated as repeated herein. Accordingly I confirm the registration at Entry No. 21 in the Rights Section of this Register Unit (No. CL 165) with the modification that for "70 cows and 65 horses and 200 sheep" there be substituted "11 head of cattle or 6 ponies or 55 sheep".

(formerly 27)

As regards the registration at Entry No. 44^(formerly 27) made on the application of Mr John Llewellyn Smith of a right attached to Barton Bolventor, Altermum to graze animals as therein mentioned:- The ground of the relevant Objection (X1373) are: "Rights do not exist". Mr Rowe said that there were no rights over the Unit Land in respect of this farm; it was too far away from the Unit Land. I record that I have a letter dated 1 December 1980 (received in the office of the Commons Commissioners after the hearing) from the Director of Administration,



South West Water saying that the Authority had recently purchased rights in connection with the building of a new reservoir and that in the absence of background information in support of the original claims, the Authority would not wish to pursue them; I am uncertain whether this letter could deal with the registration at Entry No. ~~9214~~. However this may be, in the absence of any evidence in support of the registration I conclude that it was not properly made. Accordingly I refuse to confirm it.

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 16th — day of March — 1981.

A. A. Bailey-Feller

Commons Commissioner