



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/7

In the Matter of Bunnys Hill,
Cardinham, North Cornwall D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 136 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 claims to ownership of the land in question ("the Unit land") were made by Mr G F Mitchell, by Mr M A Lloyd and by the Tomkin Trustees.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 26 May 1982. At the hearing Mr Mitchell was represented by Miss V R Cholmeley, Legal Executive, of the firm of Harvey and Sproull: the Tomkin Trustees by Mr J Romary, Solicitor, of the firm of Pethybridges: and Mr Lloyd appeared in person.

Mr Mitchell's claim relates to the major part of the Unit land, this part ("the M part") being shown edged red on the plan attached hereto and marked 'M'. The M part was comprised in property conveyed to Mr Mitchell by a conveyance dated 27 April 1979 made between (1) Anthony D Ward and Another (2) Mr Mitchell, by which the vendors conveyed the property 'for all their estate and interest therein'. The Conveyance included a recital of possession or receipt of the rents and profits of the property for 20 years and upwards without acknowledgement of any other person's title. There was also produced a Deed dated 2 September 1980 by which Mr Mitchell granted an easement relating to the passage of water through the M part.

Mr Lloyd's claim is to a small rectangular area, on the northern boundary of the Unit land, being the area ("the Lloyd area") which on the Register Map is edged green on the north and west sides and red on the north and east sides. The Lloyd area was included in the property known as 'Heatherview' conveyed by Lloyds Bank Limited to Mr Lloyd and his wife (since deceased) by a Conveyance dated 8 January 1980.

Mr Romary told me that at present he had not the evidence to support a claim by his clients, but that it might prove possible to show title to the part of the north-eastern section of the Unit land which was not the subject of the other two claims.

On the evidence I am satisfied that Mr Mitchell is the owner of the M part and Mr Lloyd is the owner of the Lloyd area and I shall accordingly direct the Cornwall County Council, as registration authority, to register them



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respectively as owner of those respective parts of the Unit land under section 8(2) of the Act of 1965. As to the remainder of the Unit land, I am not satisfied that any person is the owner, 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

29 July

1982

A handwritten signature in cursive script that reads "H. J. Morris Smith".

Commons Commissioner