



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/793-794

In the Matter of Cabilla Barn Wood,
 Cardinham, Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. CL 510 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X433 made by Viscount Clifden and noted in the Register on 18 May 1971.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 17 January 1980. The hearing was attended by Mr M J Keast, Chartered Surveyor, of the firm of Rowse Jeffery and Watkins.

The registration as common land was made in consequence of an application by Mr and Mrs R A Cooper to register rights of fuel attached to property called Graveland. The ground of the Objection is that the land Cabilla Wood ("the Unit land") was not common land at the date of registration.

Mr Keast confirmed the facts set out in his letter of 17 January 1980. His firm has acted as managing agents for successive owners of the Unit land, which was conveyed by Viscount Clifden in 1974 to a company Lanhydrock Holdings (Jersey) Limited ("the Company"). Graveland, now called Glynn Haven, passed into the ownership of Mr R D Allely who by a Conveyance dated 25 January 1979 conveyed and released his rights of fuel to the Company. There was no evidence before me establishing the existence of the registered rights but, if they did exist, it appears that they were extinguished by merger on their acquisition by the Company, the then owner of the Unit land. In these circumstances I refuse to confirm the registrations.

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

2c January

1980

L. J. Morris Jones

Commons Commissioner