



In the Matter of Canna Downs, Luxulyan,
Restormel B

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 163 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 Mrs Yvonne I Carter claimed to be the freehold owner of part of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Truro on 29 June 1982.

At the hearing Mrs Carter appeared in person, and Mr S W Hills, an applicant to register rights, also attended but did not claim ownership.

By a Conveyance dated 1 June 1982 J F Storey and Susan M Storey as vendors conveyed to Mrs Carter premises and land at Higher Menadue: the property conveyed included a piece of land numbered part 1216 on the OS map and this piece is a part of the Unit land which on the Register map juts out on the western side of the Unit land. I have also seen an examined Abstract of title starting in 1931, and on the evidence I am satisfied that Mrs Carter is the owner of the part described of the Unit land. I shall accordingly direct the Cornwall County Council, as registration authority, to register her as the owner of this part of the land under section 8(2) of the Act of 1965. As to the remainder of the Unit land in the absence of evidence 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

17 August

1982

L. J. Morris Smith

Commons Commissioner