



In the Matter of Cardinham Downs, Cardinham,
Cornwall

DECISION

These disputes relate to all the subsisting registrations in the Rights Section of Register Unit No. CL 138 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the Objections set out in the first paragraph of the Interim Decision of the late Mr Commissioner Settle dated 23 May 1978 and the conflicting registrations at Entry Nos. 25 and 55 and 8 and 53 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the matters left undetermined by the learned Commissioner at Bodmin on 2 May 1984. The hearing was attended by Mr J G R Romary, Solicitor, on behalf of the applicants for the registrations at Entry Nos. 1A, 5(now 45), 25 and 26, Mr M C Culver, Solicitor, on behalf of the applicants for the registrations at Entry Nos. 7, 9(now 46), 22(now 51), 24(now 52), and 31(now 54), Mr C Chilver, Solicitor, on behalf of the applicant for the registration at Entry No. 24(now 52), Mr P T Bonsey, Solicitor, on behalf of the applicant for the registration at Entry No. 28, Mr P N Hewlitt, Solicitor, on behalf of the applicant for the registration at Entry No. 30, Mr J R P Evans, Solicitor, on behalf of Mr W F Dyer, an Objector, and Mr W A Daniel, Solicitor, on behalf of Mr R J Lobb, an Objector, and also on behalf of the applicants for the registrations at Entry Nos. 34 and 35 (now 57). Mr C J Edward-Collins, the applicant for the registration at Entry No. 19(now 50), and Mr K C Turner, the successor in title of the applicant for the registration at Entry No. 18, appeared in person. There was no appearance by or on behalf of any other person entitled to be heard.

The matters left undetermined by Mr Commissioner Settle related to the classes and numbers of animals which could be grazed on the land comprised in the Register Unit

Mr Evans informed me that it had been agreed that the outstanding registrations should be modified by substituting for the classes and numbers of animals in the registrations the classes and numbers of animals set out below:-

Entry No.

1A	1 head of cattle or 3 sheep
4	3 head of cattle or 9 sheep
5(now 45)	7 head of cattle or 21 sheep
6	8 head of cattle or 24 sheep
7	2 head of cattle or 6 sheep
9(now 46)	3 head of cattle or 9 sheep
10(now 47)	4 head of cattle or 12 sheep
14	7 head of cattle or 21 sheep
19(now 50)	8 head of cattle or 24 sheep
22(now 51)	3 head of cattle or 9 sheep
23	2 head of cattle or 6 sheep
24(now 52)	5 head of cattle or 15 sheep
25	3 head of cattle or 9 sheep
26	9 head of cattle or 27 sheep
28	5 head of cattle or 15 sheep



Entry No.

30	1 head of cattle or 3 sheep
31(now 54)	1 head of cattle or 3 sheep
32(now 59)	2 head of cattle or 6 sheep
34(now 55)	21 head of cattle or 63 sheep
35(now 57)	12 head of cattle or 36 sheep

In these circumstances I confirm the outstanding registrations with the agreed modifications.

Mr Turner sought to support the registration at Entry No. 18. However, at page 5 of his Interim Decision Mr Commissioner Settle stated:-

"Entry No. 18 by S P Hawkins of Higher Cardinham - Mr Hawkins did not appear. I was told that his holding is a farm house with little land and his claim was for "1 cow or its equivalent. In the absence of any evidence to support this claim, "I must refuse to confirm Entry No. 18".

In my view, this was a final decision and I have therefore no jurisdiction to vary it. My only power in respect of it will be to perfect it by giving to the County Council the appropriate notice of final disposal under Section 6(2) of the Commons Registration Act 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

16th

day of

May

1984

Chief Commons Commissioner