



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/615-621

In the Matter of Carn Grey and Carclays Downs,
St.Austell,Cornwall (NO.1)

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No.CL.494 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No.X454 made by English Clays Lovering Pochin and Co., Ltd and noted in the Register on 19 May 1971, Objection No.X684 made by Mr A J H Luke and Objections No.X702, X703 and X704 all made by Mr W J Mitchell and all noted in the Register on 29 February 1972, and Objection No. X1129 made by Mrs J D Elliott and Objection No.X1130 made by Mrs M E Richards and all noted in the Register on 21 November 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 24 June 1980. The hearing was attended by Mr E Pate, Solicitor, on behalf of the Restormel Borough Council, the successor authority of the former St.Austell and Fowey Borough Council, the applicant for the registration, and there was no appearance by Counsel or Solicitor on behalf of English Clays Lovering Pochin Co., Ltd, or by or on behalf of the other Objectors.

Mr Pate informed me that he was instructed not to support the registration.

In these circumstances I refuse to confirm the registration.

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

21st

day of

July

1980

Chief Commons Commissioner