



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/772-773

In the Matter of Carrine
Common, Kea

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 595 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by two Objections (1) No. X 733 made by Viscount Falmouth and (2) No. X 971 made by Mr H G Sarah, respectively noted in the Register on 3 March 1972 and 16 May 1972.

I held a hearing for the purpose of inquiring into the dispute at Truro on 9 July 1980. The hearing was attended by Mr Gill of the Registration Authority and by Mr J B G Holt, Solicitor appearing on behalf of Viscount Falmouth. A written request that confirmation of the registration be refused had been signed on behalf of the Rambler's Association, on whose application the registration was made: accordingly I refuse to confirm the registration.

Mr Holt asked for an order for costs against the Ramblers Association, on whose application the registration was made. It appeared that notification of the signature of the request by the Association had not reached his firm in time to obviate the preparation of the case on behalf of his client, and by letter dated 1 July 1980 his firm informed the Association that the application for costs would be made at the hearing. There was no appearance on behalf of the Association and in the circumstances I order the Association to pay the costs incurred by Viscount Falmouth in respect of these proceedings, such costs to be taxed according to Scale 2.

~~For these reasons 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

02 August

1980

L. J. Morris Smith

Commons Commissioner