

COMMONS REGISTRATION ACT 1965



Reference No. 206/D/768-769

In the Matter of Common at Tomperrow, Kea

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 539 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by two Objections (1) No. X418 made by Wheal Jane Ltd and (2) No. X727 made by Viscount Falmouth both noted in the Register on 11 May 1971.

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 Mr J B G Holt, Solicitor, appearing on behalf of Viscount Falmouth. The parties had signed a written request that confirmation of the registration be refused and 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

12 August

1980

L. J. Morris Smith
Commons Commissioner