

COMMONS REGISTRATION ACT 1965



Reference No. 206/D/839

In the Matter of Common at Trevithick, St
Columb Major, Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 619 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X942 made by Mrs S D Young-Jamieson and noted in the Register on 17 May 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 26 June 1980. The hearing was attended by Mr C M T Follett, Solicitor, on behalf of the Objector. There was no appearance on behalf of the Ramblers' Association, the applicant for the registration, but before the hearing I received a request signed by the Secretary of the Association not to confirm the registration and to give my decision without a hearing.

I therefore refuse to confirm the registration.

Mr Follett applied for an order for costs against the Association. The Secretary of the Association wrote to the Objector's agents on 7 February 1980 stating that the Association was prepared to "withdraw" its application for the registration and indicating that he would be preparing an agreement form. The form was signed on behalf of the Association on 13 June 1980 and by the Objector on 1 June 1980. However, no notice was given to the Association that the Objector would be seeking an order for costs. Since it was known as early as the receipt of the letter of 7 February 1980 that there would be no contest before a Commons Commissioner, notice should have been given of an intention to apply for costs. I therefore refuse the application.

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

14th

day of

August

1980


Chief Commons Commissioner