

COMMONS REGISTRATION ACT 1965



Reference Nos. 206/D/842

In the Matter of Common Land at Enniscaven,
St Dennis, Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 621 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X1209 made by Viscount Falmouth, and noted in the Register on 30 November 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 J R G Holt, Solicitor, on behalf of Lord Falmouth. There was no appearance on behalf of the Ramblers' Association, the applicants for the registration, but before the hearing I received a request signed by the Secretary of the Ramblers' Association not to confirm the registration and to give my decision without a hearing.

I therefore refuse to confirm the registration.

Mr Holt applied for an order for costs against the Ramblers' Association. The request not to confirm the registration was signed by the Secretary of the Association on 13 June 1980. No notice of this was given to Lord Falmouth. The request was sent to the Commons Registration Officer of the County Council, and Lord Falmouth did not know that there would be no contest before me until his solicitors received the request from the Commons Registration Officer. In my view, the conduct of the Ramblers' Association in this respect was unreasonable. I shall therefore order the Association to pay Lord Falmouth's costs to be taxed according to County Court Scale 4.

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