



In the Matter of Dozmary Pool, St Neot, Cornwall

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DECISION

This reference relates to the question of the ownership of the land known as Dozmary Pool, St Neot, being the land comprised in the Land Section of Register Unit No. VG 673 in the Register of Town or Village Greens maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodman on 8 February 1983.

At the hearing the St Neot Parish Council was represented by Mr F G Davey, its Chairman, who informed me that the Parish Council did not claim to be the owner of the land in question. Mr J D Borton, Chartered Surveyor, informed me that he believed the land to be in the ownership of the Trustees of C D Lovering, deceased, and asked for time in which to communicate with them.

Although described in the Register Unit, as "Dozmary Pool", the land comprised in it consists of a strip adjoining the north-western side of the pool and a track leading from it. This land and the pool lie within an area marked by a red line on a plan exhibited to a statutory declaration made by Mrs N J Bates on 5 August 1983. Mrs Bates is a niece and the surviving administratrix of Mr Cecil Dowing Lovering, who died on 22 September 1962. In her capacity as administratrix Mrs Bates has received the rents and profits of the land shown on the plan exhibited to her statutory declaration without any adverse claim ever have been made.

On this evidence I am satisfied that Mrs Bates is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register her as the owner of the land under section 8(2) of the Act of 1965.

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

2nd

day of

November

1983

Chief Commons Commissioner