



COMMONS REGISTRATION ACT 1965

Reference No.6/U/17

In the Matter of Duloe Village Green,  
Duloe, Liskeard R.D., Cornwall.

This reference relates to the question of the ownership of land known as Duloe Village Green, Duloe, Liskeard Rural District, being the land comprised in the Land Section of Register Unit No.V.G.600 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 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 person 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 Truro on 12th July 1972.

The hearing was attended by the Liskeard Rural District Council and the Duloe Parish Council both of whom were represented by Mr. A.J. Ball, assistant Clerk of the District Council.

In 1965 the Parish Council wished a road across the Green to be adopted; the County Council would not accept a deed of declaration made by the Parish Council in the absence of evidence of ownership. The evidence then given (and accepted by the County Council) was a statutory declaration made by Mr. R. Vivian on the 15th June 1966 to the following effect:- He was then the clerk of the Parish Council and had for 29 years previously been familiar with the Green. He understood and believed that the freehold title in the Green had for upwards of 45 years been vested in the Parish Council in fee simple without any dispute or question to the contrary on the part of any person or persons whomsoever. He referred to the minute book of the Council which showed that on four occasions since August 1921 the Parish Council had carried out work at its own expense on the road. He said there were no documents in the custody of the Council relating to the title to the freehold of the Green but he believed the Green and the road belonged to the Parish Council who had been in full undisturbed possession and enjoyment thereof.

A copy of this statutory declaration verified by a letter signed by Mr. Vivian was sent to the Clerk of the Commons Commissioners. Additionally Mr. Ball gave evidence at the hearing during which he produced copies of extracts which he had made from the minutes of 22 meetings of the Council held between 15th April 1921 and 30th October 1965. At the meeting on the 15th April 1921 reference was made to the Parish Council repairing the road. At the meeting on the 4th October 1942 the Chairman pointed out, referring to the road, that it was Parish property. There were other minutes relating to the repair of the road. Ownership was discussed at a meeting on 12th June 1952 and at numerous subsequent meetings; inquiries being made of the Duchy Estate Office, the Archivist at Exeter and the Church Commissioners; reference was made



-2-

to an agreement which suggested that the Green was for the use of the children of the School and Parishioners unless the heirs of the Bewes Estate should desire to use it otherwise.

In a letter dated the 13th May 1964 from the National Association of Parish Councils to the Cornwall Association it was suggested that the title had already passed to the Parish Authorities at some date a long time in the past.

Bearing in mind that under subsection (3) of section 8 of the Act, I am required if I am not satisfied as to the ownership of any person, to vest this land in the Parish Council, in support of their case under subsection (2), I can I think accept the copy statutory declaration as the evidence which Mr. Vivian would have given if he had attended the hearing (Mr. Ball recognised the signature on his letter) and accept the copies of extracts as evidence of what the minute books would have shown if they had been produced.

From the acts of ownership and the absence of any adverse claim described in the statutory declaration and the minute books, I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register Duloe Parish Council as the owner of the land.

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.

*a. a. Baden Fuller*

Dated this 19<sup>th</sup> day of September 1972

Commons Commissioner