



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/748
206/D/749In the Matter of Foage Common,
Zennor and Towednack, Penwith
District, CornwallDECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 665 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X1218 made by Mr Richard George Paulton and noted in the Register on 5 December 1972 and by Objection No. X204A made by Cornwall County Council and noted in the Register on 17 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 14 May 1980. At the hearing Cornwall County Council were represented by Mr D M Gill, but for lack of time I was unable to proceed. I held an adjourned hearing at Camborne on 7 October 1980, and the Cornwall County Council were represented by Mr Gill as before.

The land ("the Unit Land") in this Register Unit is in two pieces; the North Piece is about $\frac{1}{2}$ of a mile long from northwest to southeast and at most places about half the width; the South Piece is a short distance to the south and is very much smaller. The registration was made on the application of Mr W F Lloyd; such application related not only to the Unit Land but also to numerous other areas (some more extensive) in the application called Zennor Cliff, Churchdown Common, Sperris Croft, Embla Common, Foage Common, Trewey Common or Trewey Downs, and Kerrow Common. These areas have for registration purposes been registered in a number of distinct Register Units. Those next to the Unit land on the west being Trewey Common, Register Unit No. 644, and between the North Piece and the South Piece being part of the Drove Road Register Unit No. CL 524. The grounds of the Objection No. X1218 (Mr Paulton) are that the South Piece was not common land at the date of registration; of Objection No. X204A (the Council) is that the land (all the Unit Land) was not common land at the date of registration.

I held a hearing about the CL 644 land on 16 May 1979 and about the CL 524 land on 14 May 1980. At these hearings, I had before me a letter of 8 May 1979 in which Mr Lloyd explains why he made his application mentioning particularly Trewey Common CL 644 and the Drove CL 524, but not mentioning particularly the Unit Land. For the reasons which appear in my decisions dated 5 June 1979 (reference Nos. 206/D/643-645) and 13 October 1980 (reference Nos. 206/D/625-630), I was as regard the CL 644 land the part of the CL 524 land near the Unit Land against the application.

In the absence at the hearing of any evidence in support of this registration of the Unit Land and upon considerations essentially the same as those set out in my said two decisions, I conclude that it should not have been made. Accordingly I refuse to confirm the registration.

TURN OVER



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 28th ——— day of October ——— 1980.

a. a. Bastin Jullie

Commons Commissioner