



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/65, 67, 68 & 70

In the Matter of Fore Down,
St Cleer, Caradon D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and all the Entries in the Rights Section of Register Unit No CL.159 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No X 108 made by British Rail and noted in the Register on 30 July 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro on 15 July 1976. The hearing was attended by Mr F. H. Woodroffe on behalf of British Rail. Mr Woodroffe stated that the use of the lands the subject of British Rail's Objection No X108, for railway purposes was discontinued in 1917 and that it had for very many years been unfenced, and indistinguishable from the remainder of the land comprised in this Unit and had therefore been grazed together with the surrounding land with the result that the commoners grazing as of right had acquired prescriptive rights. For this reason I confirm the Entry in the Land Section as regards the Railway Land.

I adjourn the consideration of the provisional Entries in the Rights Section for the reasons given in the Note attached to this decision. There will be no necessity for British Rail to attend the adjourned hearing.

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 4th day of August 1976

C. A. Settle

Commons Commissioner