



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/126

In the Matter of Gillan Beach (in the Register described as Gillan Foreshore), St Anthony-in-Meneage, Kerrier D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 646 in the Register of Common Land maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Camborne on 13 January 1983.

At the hearing Mr M H Rigg, Chairman of St Anthony-in-Meneage Parish Meeting, and Mr A Harris, of the firm of Jose Collins and Harris, Estate Agents, appeared. Mr Harris represented Mr G D Claridge.

Mr Rigg told me that the Parish Meeting was not claiming ownership of the Unit land: it appears from the Parish Meeting Minute Book that in 1920 the Beach was acquired by a Captain Lewis with a view to its being vested in trustees for the Parish. No evidence was produced of a Conveyance to such trustees and it now seems uncertain whether the transaction was completed.

Mr Harris said that his client did not claim ownership but was concerned as to the possible inclusion in the Unit land of a small portion of the land adjoining its southern boundary, the adjoining land being in the ownership of his client. It is not possible, from a comparison of the Register plan and the plan on the Conveyance of the adjoining land to Mr Claridge, to tell whether there is any overlapping of boundaries. I was told that there is a wall along the common boundary and both Mr Harris and Mr Rigg were content that the matter should be dealt with by an entry of a note in the Land Section of the Register to the effect that the southern boundary of the Unit land is the line of the existing wall. Mr Gill, of and representing the Registration Authority, said that such a note could and would be entered.

In these circumstances Mr Harris made no claim to ownership of any part of the Unit land.

In the absence of any other evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971



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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

3 February

1983

L. J. Morris Smith

Commons Commissioner