



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/23

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at Carn Cobba, part of Zennor Cliffs

DECISION

This reference relates to an objection under the Common Land (Rectification of Registers) Act 1989 to the registration of part of the land registered in Entry No. 4 in the Land Section of Register Unit No. CL.703 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 35 made by Mr E S Quayle and referred to a Commons Commissioner on 30 September 1992.

On 23 October 1992 I caused notice to be given under regulation 8(1) that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

The main evidence in support of the objection consists of two statutory declarations both dated 9 July 1992 one made by Mr E S Quayle (the objector) and the other by Mr R R Whelan.

Their evidence is to the effect that the objection land has at all times since 5 August 1945 formed part of the garden of Carn Cobba.

Their evidence is corroborated by the title deeds referred to by the Objector namely:

a Conveyance dated 1 July 1937 (Lyne to Brooke)

a Conveyance dated 23 August 1940 (Byfield to Brooke)

a Conveyance dated 6 June 1968 (Barclays Bank Limited to E J Quayle)

an assent by the objector in his own favour dated 6 February 1976.

There is nothing to challenge or cast doubt on the above evidence as to the status of the objection land as garden. The National Trust by letter dated 2 November 1992 made representations concerning ownership but these were withdrawn by a further letter dated 4 December 1992.

On the evidence and in the circumstances mentioned above I am satisfied that it is not necessary to hold a public hearing and that the land objected to satisfies the requirements of section 1(2) of the 1989 Act.



I am required by regulation 22(1) of the Common Land (Rectification of Registers) Regulations 1990 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 18th day of December 1992

Cam Roper

Commons Commissioner