



In the Matter of Main Dale, St Keverne,
Cornwall

DECISION

These disputes relate to the registration at Entry No. 1/3 in the Land Section and at Entry No. 5 in the Rights section of Register Unit No. CL 306 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X1248 made by Mr P A Tylor and noted in the Register on 25 October 1972.

I held a hearing for the purpose of inquiring into the dispute at Truro on 13 June 1979. The hearing was attended by Mr Gill of the Registration Authority, Mr J Richards a member of and representing St Keverne Parish Council, Mr M Steen of Counsel on behalf of Mrs B A Pengilly, Mr P A Tylor and Mr F Gilbert of Counsel, on behalf of the Nature Conservancy Council (NCC).

The registration in the Land Section was made on the application of St Keverne Parish Council, and the grounds of the Objection were that the land was not common land at the date of registration. The registration at Entry No. 5 in the Rights Section was made on the application of Mrs Pengilly. I understand that NCC is successor to Mr Tylor as owner of part of the land comprised in the Register Unit.

Agreement had been reached between the parties that the Entry in the Land Section should be confirmed, and the Entry in the Rights Section confirmed with modification. I propose to give effect to this agreement and accordingly I confirm the registration at Entry No. 1 in the Land Section without modification, and the registration at Entry No. 5 in the Rights Section with the modification that for the particulars in column 4 there be substituted the following: "To graze 77 heads of cattle over the whole of this register unit and that part of register unit CL 377 to the East of the Gilly (or Boscarnon) river".

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

21st August

1979

L. J. Morris Smith

Commons Commissioner