



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/859
206/D/860In the Matter of Mullion Cove,
Mullion, Kerrier District, CornwallDECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry Nos 1 and 2 in the Rights Section of Register Unit No CL 479 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No X 1024 made by the National Trust for Places of Historic Interest or Natural Beauty and noted in the Register on 19 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 7 October 1980. At the hearing the National Trust were represented by Mr P J Mansfield their land agent at their Estate Office at Lanhydrock; and Mr Albert Bree Thomas on whose application jointly with Mrs Beatrice Thomas the Rights Section registration at Entry No 1 was made, was represented by Mr B C Peters solicitor of Hancock & Lawrence, Solicitors of Helston.

The registration in the Land Section was made in consequence of the applications for registration of rights. The registrations in the Rights Section are at Entry No 1 made on the application of Hatton Bros (J P M Hatton), to take sand and seaweed over the land in this Register Unit and in the Register Unit No CL 228; and at Entry No 2 on the application of Mrs B and Mr A B Thomas to take sand and seaweed over the land in this and other Register Units. I have a letter (file 206/D/854) dated 1 August 1980 in which Stratton and Holborrow, Chartered Surveyors of Marazion, say on behalf of Hatton Brothers that he wishes to withdraw from the registration of Poldu Cove Register Unit CL 228, without expressly mentioning this CL 479 land, although the relative application included both. I also have a letter dated 12 September 1980 (file 206/D/853) from Frank & Caffin, Solicitors of Truro, in which they say on behalf of Mr A B Thomas that he did not wish to proceed with his application relating to Mullion Cove (CL 479).

At the hearing, Mr Peters explained that Mrs B Thomas was the mother of Mr A B Thomas and is now deceased, and that he on his behalf was instructed to withdraw his application (as stated in the said letter of 12 September 1980).

Mr Mansfield drew my attention to the said letter of 1 August 1980 ^{and} certain subsequent correspondence with Stratton & Holborrow of which he had copies.

In view of the said withdrawal by Mr A B Thomas, and the absence of any evidence in support of the registration made on the application of Hatton Bros, I conclude that the Rights Section registration should not have been made. There was no evidence that the registrations in the Land Section could be supported if the land was not subject to registered rights of common. In these circumstances I refuse to confirm the registration.



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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. Baden Fuller

Commons Commissioner