

COMMONS REGISTRATION ACT 1965



Reference No. 206/U/92

In the Matter of Newmill Commons, Madron

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DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 717 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.

Following upon the public notice of this reference three persons claimed to be the freehold owners of a part of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Camborne on 24 November 1982.

Mr D Pepperell of Messrs A W H Harvey and Son, Solicitors of Penzance appeared for Newmill Properties Ltd. which claimed to own nearly all of the more southerly piece of land. Mr I Waller of Messrs I A J Waller and Co, Solicitors of Camborne appeared for Mr Saran Dass who claimed part of the more northerly piece of land and Mr M R Hampden-Smith (in person) appeared to claim ownership of the remainder of the last mentioned piece of land.

Mr Pepperell produced documents of title which satisfied me that his client owned the whole of the more southerly piece of land with the exception of the quarry on the western edge thereof and the field to the west of the said Quarry. Mr Hampden-Smith produced title deeds which satisfied me that he and his wife owned that part of the more northerly piece of land which lay to the south of a black line drawn on a copy of the Register Plan certified on 8 February 1982 and countersigned by me on 24 November 1982. Mr Waller produced title deeds which satisfied me that his client owned the remainder of the more northerly piece of land.

On this evidence I am satisfied that (1) Newmill Properties Ltd (2) Mr Michael Roy Hampden-Smith and his wife and (3) Mr Saran Dass are respectively the owners of the three pieces of land already mentioned, and I shall accordingly direct the Cornwall County Council, as registration authority, to register them accordingly as the owners under section 8(2) of the Act of 1965. The remainder of the more southerly piece of land will 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 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

6<sup>th</sup>

day of

December

1982

*George Herbert*