



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/430-433

In the Matter of Parcels of land additional to the tract known as St. Breward Common and Rough Tor Downs and also part of an area known as Hamatethy Commons, St Breward, Cornwall

DECISION

1. These disputes relate to (1) the registrations at the Entries specified below in the Rights Section of Register Unit No. CL 197 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the Objections specified below:

<u>Entries No.</u>	<u>Objection No and Name of Objectors</u>	<u>Date of Noting in Register</u>
25,32,33,54, 55,56,58,60, 71,73,79,80	X290 R H E Hall Hamatethy Commoners Association	16 September 1970
18,38,76	X295 R H E Hall Hamatethy Commoners Association	30 November 1970
21,23,25,28, 32,33,38,60, 75,76,77,78, 79,80	X1172 Mr A R Walkey Mrs F A Walkey	20 December 1972

(2) The registration at Entry No. 1 in the Ownership Section of this Register Unit occasioned by Objection No. X1173 made by Mr A R Walkey and Mrs F A Walkey and noted in the Register on 20 December 1972.

I held a hearing for the purpose of inquiring into the disputes at Bodmin on 11 July 1979. The hearing was attended by :- (i) Mr D M Gill of the Registration Authority, (ii) Mr C J Greenaway, Chairman of and representing Hamatethy Commoners Association, (iii) Mr J Keast, Surveyor, of the firm of Rouse, Jeffery and Watkins, representing Mr and Mrs Walkey, (iv) Mrs Hall, the successor to Capt. R H E Hall.

There were no other appearances.

2. I will first consider Objection X1173 to the registration in the Ownership Section, which was made on the application of Capt. Hall and is of ownership to all the land comprised in the Register Unit ("the Unit Land"). The grounds of the Objection are that the registered owner is not the owner of two strips forming part of the Unit Land, the strips ("the Walkey strips") being identified on the plan attached to the Objection. Mrs Hall did not resist the Objection and accordingly I refuse to confirm the registration so far as relates to the Walkey strips, and confirm it otherwise.

3. Objection X1172 is on the grounds that the rights concerned do not exist over the Walkey strips. No applicant for registration of these rights appeared to support the registration in relation to the Walkey strips, and these registrations if otherwise confirmed will be modified so as to exclude the Walkey strips.



4. Objection X 295 is on the grounds that the right does not exist at all. No applicant for registration of these rights appeared to support the registration, and the Objection being maintained by Mr Greenaway, I refuse to confirm the registrations at Entries No. 18, 38 and 76.

5. Objection X 290 is on the grounds that the rights concerned should comprise fewer animals entitled to be grazed, the acceptable number of animals being in each case stated. In two cases - Entries No. 33 and 80 - the Objection was withdrawn and I confirm the registrations (modified so as to exclude the Walkey strips). In the remaining cases, either agreement had been reached as to a reduction in the number of animals, or the applicant for registration did not appear to support the registration, and I confirm the registrations with the modifications set out in the Schedule below. These include, where applicable, modifications to exclude the Walkey strips, and in the case of Entry No. 60, a further agreed modification in Column 6 of the Rights Section.

The Schedule

<u>Entry No.</u>	<u>Modification of Particulars in Column 4 of Rights Section</u>	<u>Other Modifications</u>
25	For the figures 28,28 and 140 substitute 25,25 and 125	
32	Exclude the Walkey strips from the Unit Land For the figures 2,2 and 10 substitute 1, 1 and 5.	
54	Exclude the Walkey strips from the Unit Land For the figures 14,70 and 14 substitute 12, 60 and 12	
55	For the figure 12 substitute 3	
56	For the figures 110,550 and 110 substitute 58,290 and 58	
58	For the figures 45,45 and 225 substitute 11,11 and 55	
60	For "60 cows and 12 horses or 300 sheep" substitute "31 cows or 31 horses or 155 Sheep"	Modify Column 6 (land to which right attach so as to refer to Casehill, St Breward, Bodmin. Cornwall comprising the land within the pink verge on the Ordnance Plan produced for this purpose at the hearing
71	Exclude the Walkey strips from the Unit Land For the figures 11,11 and 55 substitute 10,10 and 50	
73	For the figures 14,14 and 70 substitute 12,12 and 60	
79	For the figures 140,140 and 700 substitute 129,129 and 645	
21	Exclude the Walkey strips from the Unit Land	
23	Exclude the Walkey strips from the Unit Land	
28	Exclude the Walkey strips from the Unit Land	
33	" " " " "	
75	" " " " "	
77	" " " " "	
78	" " " " "	
80	" " " " "	



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

2 October

1979

*L. J. Morris Smith*

Commons Commissioner