



1037

COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/855
to 858 inclusiveIn the Matter of Polurrian Cove,
Mullion, Kerrier District,
CornwallDECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 5 (formerly No 2) and No 7 (formerly No 1) in the Rights Section of Register Unit No CL 282 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objections No X 146 and No X 794 made by His Royal Highness Charles Prince of Wales, Duke of Cornwall and noted in the Register on 19 August 1970 and 4 April 1972.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 7 October 1980. At the hearing the Duchy of Cornwall was represented by Mr R F T Halliday assistant land steward in their Liskeard office; Mr Albert Bree Thomas on whose application jointly with Mrs Beatrice Thomas the registration at Rights Section Entry No 5 was made was represented by Mr B C Peters solicitor of Hancock & Lawrence, Solicitor of Helston; and Cornwall County Council as registration authority were represented by Mr D M Gill.

Mr Peters said that he was instructed by Mr Thomas to withdraw his application for registration of a right. His client had told him that Mrs Beatrice Thomas who was his mother is now deceased.

Mr Halliday said that he did not know the land; his understanding was that the Duchy owned so much of it (perhaps the whole) as is between high water mark and low water mark. Mr Gill said that the land is all beach.

The registration at Entry No 7 was made on the application of Mrs Shelagh Mary Howe and is of a right attached to part of Trenance Farm. Mr Peters of her said that some years ago his firm acted for her on the sale of Trenance Farm (his firm are the solicitors named in her application), so she is no longer the owner. He was not authorised to represent her in these proceedings.

The Land Section registration was made in consequence of the application of Mrs Howe for registration of rights. In the absence of any evidence in support of the registration at Entry No 7 (Mrs Howe) and upon the information supplied to me by Mr Peters and Mr Gill, I conclude that these registrations should not have been made, so I refuse to confirm them.

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 29th day of October 1980.

a. a. Baden Fuller

Commons Commissioner