



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/711

In the Matter of Quintrell Downs, Colan,
Cornwall, (No.2)

DECISION

This dispute relates to the registrations at Entry Nos. 1, 2 and 3 in the Rights Section of Register Unit No.CL.380 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection X1459 made by Mr J L Vyvyan and noted in the Register on 23 November 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 24 June 1980. The hearing was attended by Mr J D. Jacoby, Solicitor, on behalf of the Objector, and I gave leave for Mrs K G Kenworthy, the applicant for the registration at Entry No. 2, to be represented by her brother, Mr F L Strong, and for Mr W J Rickard, the applicant for the registration at Entry No. 3, to be represented by his son and namesake. There was no appearance by or on behalf of Mr P Casson, the applicant for the registration at Entry No. 1.

For the reasons given in my decision in In the Matter of Quintrell Downs, Colan (No.1) (1980), Ref.No.706/D/710 I am satisfied that the rights claimed by the elder Mr Rickard are attached to his property, Sunnyside.

Mr Strong did not have evidence to prove the existence of the rights registered by Mrs Kenworthy, but he offered to obtain an affidavit by the tenant of her property.

When I asked Mr Jacoby whether he would be prepared to consent to this course, he took instructions, as a result of which Mrs Kenworthy's registration was accepted by the Objector.

For these reasons I confirm the registrations at Entry Nos. 2 and 3. In the absence of any evidence, I refuse to confirm the registration at Entry No. 1.

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

21st

day of

July

1980

Chief Commons Commissioner