



In the Matter of Racecourse Downs, Cardinham
and Helland Cornwall.

DECISION:

These disputes relate to all the subsisting registrations in the Rights section of Register Unit No. CL.139 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the objections set out in the Schedule to the Interim Decision of the late Mr Commissioner Settle, dated 21 April 1978, and the conflicting registrations at Entry Nos 9 and 30 and 27 and 34 in the same section of the Register.

I held a hearing for the purpose of inquiring into the matter left undetermined by Mr Commissioner Settle at Bodmin on 2 May 1984. The hearing was attended by Mr J G R Romary, Solicitor on behalf of the applicants for the registrations at Entry Nos 6, 15, 25, 27, 37 and 54, and by Mr W A Daniel, Solicitor on behalf of Mr R J Lobb and Messrs. L J and H B Matthews, who were Objectors, and also on behalf of the applicants for the registrations at Entry Nos 7 and 44. There was no appearance by or on behalf of any other person entitled to be heard.

On page 4 of his Interim Decision Mr Commissioner Settle stated that he refused to confirm all the subsisting entries in the Rights section other than Entries Nos 7, 8, 5, 25, 27, 37, 44 and 54, but it would appear that he accidentally omitted Entries Nos 5 and 6 from this list, since there is no statement of reasons for not confirming these entries in the preceding part of the Interim Decision.

The matters left undetermined by Mr Commissioner Settle related to the classes and numbers of animals which could be grazed on the land comprised in the Register Unit as modified by a direction of the late Commissioner dated 25 November 1977.

Mr Daniel informed me that it had been agreed that the outstanding registrations should be modified by substituting for the classes and numbers of animals in the registrations the classes and numbers of animals set out below:-

Entry No. 5.	1 head of cattle or 3 sheep
(now 23) 375 64	3 head of cattle or 9 sheep
7.	3 head of cattle or 9 sheep
8.	1 head of cattle or 3 sheep
15.	3 head of cattle or 9 sheep
25.	3 head of cattle or 9 sheep
27.	2 head of cattle or 6 sheep
37.	1 head of cattle or 3 sheep
44.	7 head of cattle or 21 sheep
54.	1 head of cattle or 3 sheep

In these circumstances I confirm the outstanding registrations with the agreed modification.



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 16th day of May 1984

[Handwritten Signature]

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CHIEF COMMONS COMMISSIONER