

JW

COMMONS REGISTRATION ACT 1965



Reference No. 206/U/161

In the Matter of Recreation Allotment, St.Eval,  
Cornwall

DECISION

This reference relates to the question of the ownership of land known as Recreation Allotment, St.Eval, being the land comprised in the Land Section of Register Unit No.VG.670 in the Register of Town or Village Greens 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 the St.Eval Parish Council claimed to be the freehold owner of the land in question and the Commons Open Spaces and Footpaths Preservation Society 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 Bodmin on 9 February 1983. At the hearing, the St.Eval Parish Council was represented by Mr T H Rowse, Solicitor.

By the Engollan Common Inclosure Award made 19 January 1860 under the Annual Inclosure Act 1855 the land in question was set out, allotted, and awarded to the Churchwardens and Overseers of the Poor of the parish of St.Eval as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. The land was transferred to the Parish Council by sections 6 (1)(c)(iii) and 67 of the Local Government Act 1894.

On this evidence I am satisfied that the St.Eval Parish Council is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register the Parish Council as the owner of the land under section 8 (2) 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

25<sup>th</sup>

day of

February

1983

Chief Commons Commissioner