



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/140

In the Matter of Rosudgeon
Common, St Hilary

DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 745 in the Register of Common Land 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 William James Bettens and two other persons claimed to be the freehold owners of the land in question and no other person 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 Camborne on 24 November 1982.

Mr P Moore of Messrs Randle Thomas and Thomas, Solicitors of Helston appeared for the claimants. Mr William Richards appeared in person but none of the documents produced by him suggested that he had any claim to ownership.

The documents produced by Mr Moore showed that his clients were the successors of trustees appointed, under the transitional provisions of the Law of Property Act 1925 relating to land previously held in undivided shares, in place of the Public Trustee.

The trust property was in the first Deed of Appointment stated to be O.S. No. 1089 and to contain about 28½ acres. On the O.S. Map No. 1089 is shown as 19.668 acres and O.S. 1088 as 8.669 acres and in my view the Trust estate consists of both Numbers. Two memoranda endorsed on a Deed of Appointment of New Trustees dated 18 March 1969 received that in 1968 and 1973 small parts of the Trust Estates had been sold off, both being on the southern boundary of O.S. No. 1089.

On this evidence I am satisfied that the present Trustees W J Bettens, Martin Searle and David Searle are the owners of part of the Register Unit namely O.S. Nos. 1088 and 1089 less the land referred to in the said memoranda and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of that part of the land under section 8(2) of the Act of 1965. The remainder of the land will remain subject to protection under section 9 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

14th

day of

December
 (Signature)

1982

Commons Commissioner