



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/395
to 400 inclusive

In the Matter of Shallow Water Common,
Blisland, North Cornwall District,
Cornwall

THIRD DECISION

This decision is supplemental to two decisions dated 5 November 1979 (corrected 2 January 1980) and 16 March 1981 relating to Register Unit No. CL187 and made by me in this matter upon evidence and argument given at hearings at Truro on 4 and 5 July 1979 and at Bodmin on 2 December 1980.

This my third decision is occasioned by my failure in either of my 1979 and 1981 decisions to give any decision about the Rights Section registrations at Entry Nos. 5, 49 and 54 made on the application of (5) Colan Ralph Bilkey of a right attached to Higher Lemar, Cardinham to cut and take turf, (49) Doris Anne Lane of a right attached to Lower Carblake, Cardinham to graze 12 cattle or 12 ponies or 60 sheep and to take and cut turf or peat, and (54) Frederick John James Jones of a right attached to Vicarage Farm, Bolventor to graze 4 ponies or 4 cattle. As appears in the First Schedule to my said 1979 decision, all these 3 registrations are within Objection No. X1356 (against No. 5 in this Schedule X1346 is a mistake for X1356) the grounds of which are "Rights do not exist", evidence against all of them was given by Mr W M Rowe and additionally the registration at Entry No. 5 was withdrawn in a letter of 26 November 1976 from G & I Chisholm.

At the top of page 3 of my said 1979 decision I said:-

As regards all the other registrations in the Rights Section (except that at No. 72) I consider that in the absence of any evidence in support of them, I should give effect to them to the extent and no more than contemplated by the evidence (which I accept) of Mr Rowe.

I now consider (as in 1979 I considered but inadvertently did not in my 1979 decision state) that the words above quoted apply to the registrations at Entry Nos. 5, 49 and 54, and accordingly I REFUSE to confirm these registrations.

For the purpose of giving effect to my said 1979 and 1981 decisions, pursuant to section 6(2) of the Commons Registration Act 1965 I signed a notice dated 30 April 1981 which listed (or was intended to list) all the registrations dealt with in my said decisions. Consequent upon an accidental slip on my part, such notice "54" was mistakenly written for "52". On 8 January 1982 I corrected the said notice of 30 April 1981 by substituting "52" for "54", and such corrected notice has been sent to Cornwall County Council as registration authority, and those interested in the registration at Entry No. 52 have been or will be informed. Accordingly the persons concerned with the registration at Entry No. 54 should assume that as yet no section 6 notice has been signed by me relating to it. About the registrations at Entry Nos. 5, 49 and 54 in this decision dealt with, a section 6 notice will be sent to the County Council as soon as practicable after the expiration of six weeks after the day on which this third decision is sent out.

I regret any trouble and inconvenience which may have been caused by my decision about these three registrations have been delayed.

TURN OVER



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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 15th _____ day of January 1986

a. a. Baden Feltz

Commons Commissioner