



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/1002-1019

In the Matter of St Jidgey Down in the Parishes of
St Issey and St Breock, North Cornwall

DECISION

These disputes relate to the registrations at the Entries in all three sections of Register Unit No. CL 209 in the Register of Common Land maintained by the Cornwall County Council.

(1) The land comprised in this Unit ("the Unit land") was registered in consequence of an application by Mr J V Salisbury to register rights: there were also applications for registration as common land by Mr B Richardson, by the Ramblers Association and by St Breock Parish Council. There were two applications to register rights, the first (Entry No. 1) by Mr J V Salisbury and the second (Entry No. 2) by Mr and Mrs P N Binks.

There were five Objections to the Land registration and these consequentially involved Objections to the Rights Entries. They are:-

- Objection No. X368 by the Duchy of Cornwall, noted in the Register on 6 November 1970
- Objection No. X309 by Mr J A Eustice, noted in the Register on 21 September 1970
- Objection No. X515 by Mr and Mrs P G W Roberts, noted in the Register on 18 November 1970
- Objection No. X516 by Mr P G Roberts, noted in the Register on 18 November 1970
- Objection No. X557 by Mr P G W Roberts, noted in the Register on 18 November 1970.

There were two Objections to the Entries in the Rights Sections, No. X514 by Mr P G W Roberts and No. X517 by Mr P G Roberts, both noted in the Register on 18 November 1971.

The disputes relating to the Entries in the Ownership Section are referred to in paragraph (5) below.

(2) I held a hearing for the purpose of inquiring into the disputes at Bodmin on 15 October 1981. The hearing was attended by Mr C A Key, Solicitor, appearing on behalf of the Roberts Objections (X514-517 and X557): by Mr P Claydon, representing the Ramblers Association: by Mr W A Phillips, Solicitor, appearing on behalf of Mr Eustice: and by Mr Gill of the Registration Authority.

The Duchy of Cornwall had notified withdrawal of its objection (X368) and Mr and Mrs Binks withdrawal of their application to register rights (Entry No. 2). Accordingly I refuse to confirm the registration at Entry No. 2.



(3) The four Objections X309, X515, X516 and X557 each relate to a different area of the Unit Land: the four areas objected to together make up the whole of the Unit land. As regards Entry No. 1 in the Rights Section, Mr Tristram Salisbury had written to say that he had rights on the Unit land as owner of ZanZig Farm, but would not be represented at the hearing. Mr Phillips and Mr Key, for the Objectors, told me that they had witnesses present with evidence which would challenge the rights registered at Entry No. 1, and in the absence of any evidence to support that right I refuse to confirm its registration.

(4) This will leave no rights registered, and in the absence of rights the Unit land could only qualify for registration if it is waste land of a manor. This was not suggested and Mr Claydon accepted that in the circumstances he was not in a position to maintain the registration as common land. For these reasons, I refuse to confirm the registration at Entry No. 1 in the Land Section.

(5) The disputes arising out of conflicting entries in the Ownership Section were, I understood, no longer a live issue between the parties concerned; nor in any event, are they matters with which I need deal once I have decided to refuse to confirm the registration as common land. Equally, this will dispose of the dispute referred to me arising from a conflict between this registration CL 209 and the CL 355 registration - in the latter, part of the unit land has been included by mistake.

I am required by regulation 30(1) of the Commons Commissioners Regulations 197 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

2 November

1981

L. J. Morris Smith

Commons Commissioner