



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/170

In the Matter of The Marsh,  
Lewannick, Cornwall

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DECISION

This reference relates to the question of the ownership of land known as The Marsh, Lewannick, being the land comprised in the Land Section of Register Unit No. CL 397 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 Mr E A J Davey and Mr H Wadge, claimed to be the joint 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 Bodmin on 10 February 1983.

At the hearing Mr Davey and Mr Wadge appeared in person. Both Mr Davey and Mr Wadge applied for registrations in the Rights Section of the Register Unit, which registrations, being undisputed, became final on 11 April 1980. This shows that neither Mr Davey nor Mr Wadge can be the owner of the land in question, since a man cannot have a right of common over his own land.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore 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

25<sup>th</sup>

day of

February

1983

Chief Commons Commissioner