



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/166

In the Matter of The Recreation Allotment,  
St Stephens-by-Launceston, Cornwall

DECISION

This reference relates to the question of the ownership of land known as The Recreation Allotment, St Stephens-by-Launceston being the land comprised in the Land Section of Register Unit No. VG 666 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 no person claimed to be the freehold owner of the land in question, and Mr and Mrs W R N Gynn 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 10 February 1983.

At the hearing the St Stephens-by-Launceston Parish Council was represented by Mrs V L Gynn, its Vice-Chairman.

By the St Stephen's Down Inclosure Award made 30 November 1848 under the Annual Inclosure Act 1848 the land in question was set out, allotted and awarded to the Churchwardens and Overseers of the Poor of the parish of St Stephen's to be held by them and their successors in trust as an allotment for the labouring poor of the parish. How the land came to be known as the Recreation Allotment is not apparent. The land adjoining it on the west was allotted as a place for the exercise and recreation of the inhabitants of the parish. The allotment for the labouring poor was made subject to and chargeable with a clear rent charge of £1.2s.6d, which rent charge was set out, allotted, and awarded among a number of persons in accordance with the provisions of section 88 of the Inclosure Act 1845.

Parts of the rent charge so awarded are known locally as "High Rents", and are at present received by five owners, among them Mr and Mrs Gynn. Mr and Mrs Gynn claimed that the receipt of the "High Rents" showed that the land was the property of those receiving them. This contention was founded upon a misconception of the nature of the "High Rents". The "High Rents" are entirely different from rent which would be payable under a tenancy agreement, the receipt of which would be evidence of ownership of the land. The "High Rents" are the apportioned parts of the total rent charge of £1.2s.6d to which the allotment was made subject in the exercise of the powers of Section 75 of the Act of 1845, and the receipt of them is entirely inconsistent with the ownership of the land on which they are charged.

Land so awarded to the Churchwardens and Overseers of the Poor was transferred



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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 Stephens-by-Launceston 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~~th~~

day of

February

1983

Chief Commons Commissioner