



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/143

In the Matter of The Village Square,
Landewednack, Kerrier D

DECISION

This reference relates to the question of the ownership of land described above being the land ("the Unit land") comprised in the Land Section of Register Unit No. CL 243 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 Devenish Redruth Brewery Limited ("the Company") claimed to be the freehold owner of part of the Unit land 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 13 January 1983.

At the hearing Mr T H Rowse, Solicitor, appeared on behalf of the Company, and Landewednack Parish Council was represented by its Chairman, Mr J Blaxland.

By a Conveyance dated 25 April 1950 between (1) W J Johns and Another ("the Vendors"), (2) Marjorie N Milligan, (3) The Company (by its then name of The Redruth Brewery Company Limited). There was conveyed to the Company a property known as Hill's Hotel and all the estate right and interest of the Vendors if any in a piece of land adjoining the north eastern side of the Hotel. This piece of land is coloured blue on the plan attached to the Conveyance and I will refer to it as "the blue land". The blue land appears to include part of the Unit land and it is this part of which the Company claims ownership. The part claimed is used as a car park by the Hotel and the Company has expended money on its maintenance and repair. There is attached to this decision a plan on which the blue land is shown edged blue.

Mr Blaxland told me that the Parish Council was not in favour of this claim to ownership but had no evidence to adduce against it.

On the evidence I am satisfied that the Company is the owner of the part of the Unit land included in the blue land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register the Company as the owner of that part under section 8(2) of the Act of 1965. As to the remainder of the Unit land I am not satisfied that any person is the owner and it will therefore remain subject to protection under section 9 of the Act of 1965.



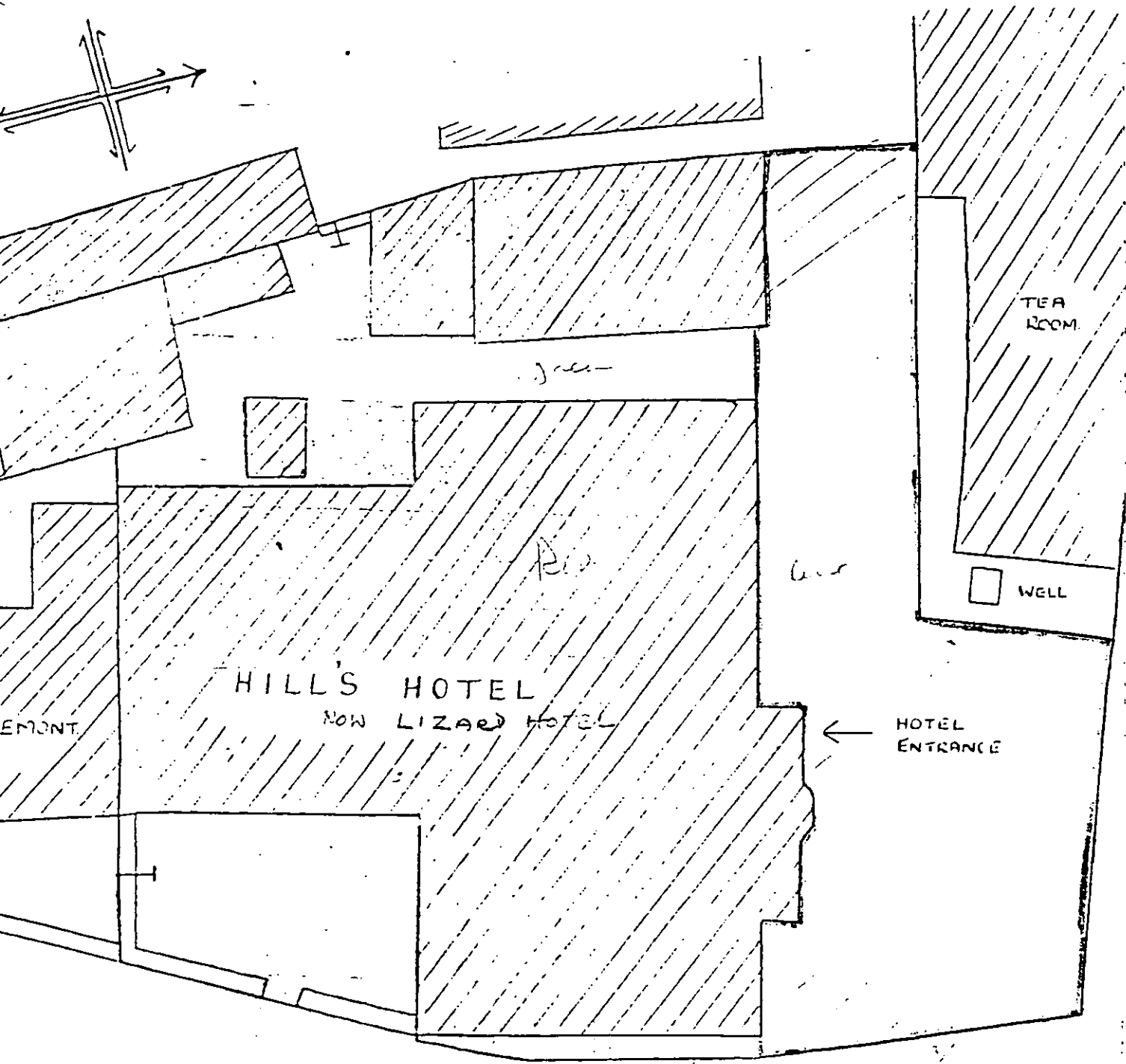
I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated 10 February 1983

L. J. Morris Smith

Commons Commissioner

The Plan referred to



Scale 16ft to one inch

PLAN 'B'

W. J. H. H. H.