

COLMONS REGISTRATION ACT 1965

Reference No.206/D/1

In the Matter of Tredinnick Downs Common, St.Columb and St.Issey, Cornwall (No.1).

## DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 251 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No.X 341 made by Mr G.Hawke and Mr L.B.Hawke and noted in the Register on 24th March 1971.

I held a hearing for the purpose of inquiring into the dispute at Truro on 13th March 1975. The hearing was attended by Mrs N.Brewer, the personal representative of the late Mr W.Salmon, one of the applicants for the registration at Entry No.2 in the Rights Section of the Register Unit, Mr R.M.Brewer, the other applicant for that registration, Mr O.J.Heard, the successor in title of Mr W.Hawkins, the applicant for the registration at Entry No.4 in the Rights Section, and Mr M.Hartley, solicitor, on behalf of the Objectors.

The land now comprised in the Register Unit (which has been modified under regulation 8 of the Commons Registration (Objections and Maps) Regulations 1968) has an area of about 60 ac. The Objection relates only to a quarry situate in the north-eastern part of the land. The Objection has annexed to it a plan of the quarry. This plan is a copy of the plan attached to an agreement made 3rd May 1951 between a predecessor in title of the Objectors and Mr W.H.Jones for the letting of the quarry. A similar plan was attached to a similar agreement made 4th April 1968 between the Objectors and Mr Jones, but the quarry is now substantially larger than that shown on the plan.

The applicants are entitled to rights of common over the land comprised in the Register Unit, but in the case of Mr Heard those rights are stated in his conveyance dated 28th April 1972 to be subject to the rights and powers of the person or persons entitled thereto in respect of the quarry. So far as the land shown on the plan referred to in the Objection is concerned it has not been possible to exercise any rights of common since 1951 and possibly earlier. It therefore appears to me that any such rights have been extinguished. It may be that the rights have also been extinguished over a wider area, but my jurisdiction is limited to the land referred to in the Objection.

For these reasons I confirm the registration with the following modification, namely the exclusion of the land shown on the plan referred to in the Objection.

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



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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 29th day of April 1975

Chief Commons Commissioner