

COMMONS REGISTRATION ACT 1965



Reference No. 206/5/56

In the Matter of Treskilling Downs,  
Luxulyan, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Treskilling Downs, Luxulyan, being the land comprised in the Land Section of Register Unit No. CL.626 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 English Clays Lovering Pochin and Co., Ltd claimed to be the freehold owner 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 6 October 1982. At the hearing English Clays Lovering Pochin & Co Ltd ~~was~~ represented by Mr I Lamond, Solicitor.

Immediately before the coming into operation of the Law of Property Act 1925 on 1 January 1926 a nine-seventeenths part of the land in question was vested in Tehidy Minerals Ltd and the remaining eight-seventeenths part was vested in Mr J C S Rashleigh. By virtue of para. 1 (4) of Part IV of the First Schedule to the Act of 1925 the land became vested in the Public Trustee on the statutory trusts. In the exercise of their statutory powers Tehidy Minerals Ltd and Mr P S Rashleigh, the successor in title of Mr J C S Rashleigh, by a deed of appointment made 18 April 1980 appointed Mr J M Trott and Mr J B Gibbins to be new trustees for the purposes of the statutory trusts. By a conveyance made 11 June 1980 Mr Trott and Mr Gibbins conveyed the land to English Clays Lovering Pochin Co Ltd.

On this evidence I am satisfied that English Clays Lovering Pochin & Co Ltd is the owner of the land, and I shall accordingly direct the Cornwall County Council as registration authority, to register that company 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 20th day of October

1982

Chief Commons Commissioner