



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/243-244

In the Matter of Treslea Down,
Cardinham, North Cornwall
District, Cornwall

DECISION

These disputes relate to the registrations at Entry Nos 1 and 2 in the Ownership Section of Register Unit No CL. 128 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Bodmin on 13 December 1976 and 17 May 1977. At these hearings Mr William Frank Dyer on whose application the said Entry No 2 was made, was represented by Mr J R P Evans solicitor of Peter Peter & Sons, Solicitors of Launceston, and Cornwall County Council as registration authority were represented by Mr D M Gill who is in charge of their common registrations.

At the 1976 hearing, I dealt with disputes relating to registrations in the Land Section and in the Rights Section of this Register Unit, and my decision on them is dated 6 January 1977. I did not deal at all with the disputes consequent on the said conflict.

Mr Evans said (in effect) that the conflict had been resolved because Tehidy Minerals Limited on whose application the said Entry No 1 was made, and Mr Dyer had agreed that the land ("the Unit Land") comprised in this Register Unit, to the extent that it had been registered in the Ownership of both of them, belonged to Tehidy Minerals Limited. Mr Evans produced a plan ("the Agreed Plan") on which had been shaded pink the part of the Unit Land which had been registered in double ownership; an uncoloured copy of this plan (the original is annexed to a letter dated 28 April 1977 from Mr Dyer to the Commons Registration Department of the County Council) is annexed to this decision; the area on the original shaded pink is on the annexed copy edged with a black line, being the strip bounded on the east by the road or track which crosses the Unit Land from north to south and bounded on the west by a line of stones which are a short distance west of the said road or track.

But for the conflict, the ownership registrations of both Tehidy Minerals Limited and Mr Dyer would have become final under section 7 of the 1965 Act. There is therefore no reason why I should not modify these registrations in any manner agreeable to both of them. Accordingly I confirm the registration at Entry No 2 with the modification that column 4 of the Ownership Section be altered so as to exclude the land shaded pink on the Agreed Plan, and I confirm the registration at Entry No 1 with the following modification (if any modification is needed to give effect to the inclusion hereinafter mentioned) that column 4 of the Ownership Section be altered so as to include in the land there described (so far as it is not already included in such description) the land shaded pink on the Agreed Plan. And I shall with the notice which I am by section 6 of the 1965 Act required to give to the registration authority send to them the Agreed Plan.



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 24th day of May —

1977

A. A. Bowen Fuller

Commons Commissioner

Note:- Pages 2 and 3 of this decision are the within mentioned copy of the Agreed Plan