



COMMONS REGISTRATION ACT 1965

Reference No.206/D/57

In the Matter of Trewellard Common  
(or Carne Hill), Pendeen, Cornwall (No.1)

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 493 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No.X 948 made by Mrs.J.E.Calvert and noted in the Register on 1st May 1972.

I held a hearing for the purpose of inquiring into the dispute at Truro on 11th March 1975. The hearing was attended by Mr D.J.Thurley, the applicant for the registration at Entry No.2 in the Rights Section of the Register Unit, and by Mr D.Pepperell, solicitor, on behalf of the Objector.

Mr Thurley informed me that he did not wish to pursue his application for the registration at Entry No.2 in the Rights Section of the Register Unit in so far as it related to the part of the land comprised in the Register Unit lying to the east of the red line A-B on the Register Map. Mrs Calvert's Objection related only to this part of the land comprised in the Register Unit.

Since the registration the subject of this dispute was registered by the Registration Authority in consequence of the application for the registration of rights made by Mrs Trembath, which registration was later amended to exclude the land the subject of Mrs Calvert's Objection, there is now no objection outstanding to this registration in so far as it relates to the land lying to the west of the red line A-B on the Register Map. The amendment of Mrs Trembath's registration also excluded the land within the unmarked red line enclosures on the Register Map.

In these circumstances I confirm the registration with the following modification, namely the exclusion of the part lying to the east of the red line A-B and those parts within the unmarked red line enclosures in the Register Map.

Mr Pepperell asked for an order for costs against Mr Thurley. For the reasons given in my decision in In the Matter of Trewellard Common (or Carne Hill)(No.2) Reference Nos.206/D/55-56, I shall order Mr Thurley to pay Mrs Calvert's costs to be taxed on County Court Scale 3.

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 29<sup>th</sup> day of April 1975

  
Chief Commons Commissioner