



In the Matter of Two additional pieces of  
land known as Bossiney Common, Tintagel,  
Cornwall

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DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section and at Entries No. 1, 2 and 3 in the Rights Section of Register Unit No. CL 665 in the Register of Common Land maintained by the Cornwall County Council and ~~are~~ occasioned by Objection No. X145A made by Cornwall County Council and noted in the Register on 19 January 1973.

I held a hearing for the purpose of inquiring into the disputes at Bodmin on 16 January 1980. The hearing was attended by Miss J Norris, representing the National Trust and Mr Gill of the Cornwall County Council.

The registration as common land was made in consequence of an application by the Public Trustee to register grazing rights; all three Entries in the Rights Section were made on the application of the Public Trustee as trustee of George Bellamy Will Trust. The National Trust claimed to be successors to the Public Trustee as owners of parts of the lands to which the rights were attached.

The interested parties had signed a request as to the way in which these disputes should be dealt with. I was asked at the hearing to refuse to confirm Entry No. 1 in the Rights Section and this is in accordance with the request, and I refuse to confirm that Entry. The request asked for the confirmation of Entries 2 and 3 "in the same manner as Unit No. CL 292 was dealt with:" as regards Entry 2 I was asked (and the County Council agreed) to confirm this as it stands, which I do.

Entry No. 3 is a right to graze 75 sheep over the land excluding Plot No. 1192A and over the whole of register unit CL 292, and is attached to land ("the dominant tenement") at Bossiney Haven shown on the relevant supplemental map. It appears (see Reference No. 206/D/689-692) that what was done in the case of CL 292, where a right in all respects similar to Entry No. 3 was registered, was by agreement of the parties, to modify the right by reducing the number of animals to 30 and by defining the dominant tenement as OS Nos. 1159 and 1160. At the hearing I was doubtful whether this alteration of the dominant tenement could properly be made as I was under the impression that the effect would be to substitute a different dominant tenement. This however is not the case, as it appears from the maps that OS Nos. 1159 and 1160 are a part of the Bossiney Haven which is the present dominant tenement. In the result therefore I will give effect to the request as regards Entry No. 3 by confirming it modified so as to limit the right to graze to 30 sheep and substituting for the present dominant tenement "OS Nos. 1159 and 1160".

I confirm the registration in the Land Section.



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 March

1980

*L. J. Harris Smith*

Commons Commissioner