



COMMONS REGISTRATION ACT 1965

Reference No 206/D/120 and 121

In the Matter of Two pieces of land also  
known as Fore Down, St Cleer, Caradon D

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and Entries 7 to 11 inclusive in the Rights Section of Register Unit No CL, 163 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No X 109 made by British Rail and noted in the Register on 30 July 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro on 15 July 1976. The hearing was attended by Mr F W Woodroffe on behalf of British Rail, Mr J R P Evans of Messrs Peter Peter & Son on behalf of Mr & Mrs Kennedy applicants for Rights under Entry No 7 and Mr R Carpenter and Mr Bolitho of the Rosecraddock Commoners Association.

The land the subject of British Rail's objection is a strip running across the common on which there was once a railway track, which ceased to be operational in 1917 and which has been unfenced at least since that date. Mr Woodroffe accepted that the animals grazing this common must for many years past have grazed the land formerly occupied by the track, and that those who have grazed the common as of right must have acquired by prescription a right to graze the Railway land. For this reason I confirm the Entry at No 1 in the Land Section.

I adjourn consideration of the Entries in the Rights Section for the reasons given in my Note attached to this decision.

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 4<sup>th</sup> day of August

1976

C. A. Settle

Commons Commissioner