



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/528-529

In the Matter of Goonhilly Downs, Grade Ruan  
and St. Keverne, Cornwall

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No. CL.638 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X1057 made by George Hugh, Viscount Falmouth and Objection No. X1259 made by Mr P. A. Tylor.

I held a hearing for the purpose of inquiring into the dispute at Truro on 1 March 1979. The hearing was attended by Mr M E Fletcher, the Chairman of the Grade Ruan Parish Council, whose application for the registration was noted under Section 4 (4) of the Commons Registration Act 1965, Mr W F H Ansell, the Administrator of the Cornwall Naturalists Trust Ltd, whose application was likewise noted, Mr J B G, Holt, Solicitor, on behalf of Lord Falmouth, Mr A. Wiseman, Solicitor on behalf of Mr Tylor and Mr Francis Gilbert of Counsel on behalf of the Nature Conservancy Council, which has contracted to purchase Mr Tylors' interest in part of the land comprised in the Register Unit. There was no appearance on behalf of the Ramblers Association, the applicant for the registration.

There being no entry in the Rights Section of the Register Unit, the land in question can only fall within the definition of "Common Land" in section 22 (1) of the Commons Registration Act 1965 if it is waste land of a Manor.

So far as the part of the land belonging to Mr Tylor is concerned, the root of title is a Conveyance made 10 November 1925 between (1) Sir Courtenay Wynter, (2) Michael Percival Williams. This conveyance does not include the lordship of any manor, so that if the land conveyed was previously waste land of some manor, it was thereby severed from the lordship and so ceased to be waste land of the manor.

Mr Ansell agreed that an area which is now a Forestry Commission Plantation is no longer waste land and therefore ought to be excluded from the Register Unit.

So far as the rest of the land is concerned, Mr Ansell produced the tithe apportionment award for the parish of Grade Ruan, which shows the land in various parcels described as common and without any tithe rent charge. While this is consistent with the land being waste land of a manor or manors in 1841, it falls far short of proving that that was so, and there is no evidence as to who is now the Lord of any manor in which any part of the land is situate.

In view of this lack of evidence I can only refuse to confirm the registration.

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 30<sup>th</sup> day of April 1979