



In the Matter of Coonhilly Downs, Grade Ruan,  
Cornwall

DECISION

These disputes relate (1) to the registration at Entry No. 1/2 in the Land section of Register Unit No. CL 541 in the Register of Common Land maintained by the Cornwall County Council occasioned by two Objections namely Objection No. X 1055 made by Viscount Falmouth and Objection No. 1258 made by Mr P A Tylor both noted in the Register on 30 August 1972. (2) to the registration at Entry No. 2 in the Rights section of the same Register Unit occasioned by two Objections namely Objection No. X 1195 made by Viscount Falmouth and noted in the Register on 30 August 1972 and the said Objection No. 1258.

I held a hearing for the purpose of inquiring into the dispute at Truro on 12 June 1979. The hearing was attended by Mr Gill of the Registration Authority, Mr J B G Holt, Solicitor of the firm of Hancock and Lawrence, representing Viscount Falmouth, and Mr F Gilbert of Counsel, instructed by the Treasury Solicitor on behalf of the Nature Conservancy Council successors to Viscount Falmouth as regards part of the land in question.

Grade Ruan Council were not represented but both they and two other bodies - the Ramblers Association and Cornwall Naturalists Trust Ltd, who had also applied for registration of the land as common land, had agreed to the registration being not confirmed. The Rights Entry was made on the application of Mr S W Thomas and related to grazing rights over part of the land; in a letter dated 30 May 1979 from the Solicitors to Mr Thomas's executors it is stated that they have no instructions to pursue his claim - the land to which the rights were claimed to be attached had been sold in a number of lots without any apportionment of the rights, and the information received from the Commons Commissioners Office had been passed to the respective purchasers.

In these circumstances, I refuse to confirm the registrations to which the Objections relate.

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

22 August

1979

*L. J. Morris Smith*  
Commons Commissioner