



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/36

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at Kinsale, part of The Bank, Cadgwith

DECISION

This reference relates to an objection under the Common Land (Rectification of Registers) Act 1989 to the registration of part of the land registered in Entry No. 1 in the Land Section of Register Unit No. CL.539 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 38 made by Winifred Evelyn Kennedy and referred to a Commons Commissioner on 4th February 1993.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 19th April 1993 I caused notice to be given under regulation 8(1) that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

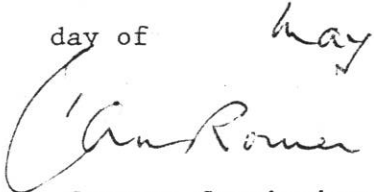
The Objector's case was that the land referred to in the objection is and has since 5 August 1945 been a garden ancillary to a dwellinghouse namely Kinsale.

The objection is supported by a statutory declaration made on 13 July 1992 by T C A Williams who says that he was born in 1926 and has lived in Cadgwith all his life and that throughout this time he has known Kinsale well. He says that the property was formerly known as Ledra Cottage. The land is shown edged green on the plan marked "T C A W" which is referred to in the statutory declaration and Mr Williams says that since 5 August 1945 the land has been used as a yard or garden ancillary to Kinsale. The objection is also supported by the description in and the plan annexed to a conveyance dated 12 August 1957 (Lambrick and others to Becher) and a conveyance dated 18 February 1966 (Becher to Kennedy).

On that evidence (which is not contradicted or put in doubt by any other evidence) I am satisfied that it is not necessary to hold a public hearing and that the land objected to satisfies the requirements of section 1(2) of the 1989 Act.

I am required by regulation 22(1) of the Common Land (Rectification of Registers) Regulations 1990 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 26th day of May 1993


Commons Commissioner