



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/144

In the Matter of Lerryn, St. Veep, CornwallDECISION

This reference relates to the question of the ownership of land known as Lerryn, St. Veep, being the land comprised in the Land Section of Register Unit No. CL.301 in the Register of Common Land maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr G L Tomlinson and Mrs E R Collings each claimed to be the freehold owner of the land in question, and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 8 February '83. At the hearing Mr Tomlinson appeared in person, I gave leave for Mrs Collings to be represented by her son, Mr N Collings, and the St. Veep Parish Council was represented by Mrs M J Martin, its Clerk.

It is stated on a statutory declaration made by the late Mr Haviland Collings otherwise James Collings that he had possession of the land in question by receiving the rents and profits thereof. The eastern part of the land passed by divers mesne assignments until it was conveyed to Mr Tomlinson and his wife by a Conveyance made 23 September 1975 between (1) Denis Vivian Walters and Dora Barbara Walters (2) Geoffrey Leonard Tomlinson and Betty Eva Tomlinson. The plan annexed to the Conveyance shows an excepted area marked "Diskeard R.D.C.", but there was no evidence as to the present ownership of this area.

Mr Collings died on 7th August 1972 without having disposed of the Western part of the land the subject of the reference. On 20 March 1973 his executors executed an assent made between (1) Emma Rebecca Collings and Norman James Collings (2) Emma Rebecca Collings.

It appears from correspondence and entries in the minutes of the Parish Council that there have been questions raised regarding the ownership of the land from time to time since 1934, but it does not appear to me that there is anything to show that the late Mr Collings made a false statement in his statutory declaration. It seems highly likely that he had no title to the land in the first place and had no more than a "Squatter's title", but this was accepted by the purchasers of the eastern part. More than a quarter of a century has now passed, and in my view it is far too late to seek to challenge the title of those now in possession of the land.



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On this evidence I am satisfied that Mr and Mrs Tomlinson and Mrs Collings are the owners of parts of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of their respective parts under section 8 (2) of the Act of 1965.

In the absence of any evidence as to the ownership of the land said to have belonged to the former Liskeard Rural District Council, I am not satisfied that any person is the owner of that land, and it will therefore remain subject to protection under section 9 of the Act of 1965,

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

25~~th~~

day of

February

1983

Chief Commons Commissioner