



In the Matter of Lowertown Moor, Luxulyan  
Cornwall

DECISION

This reference relates to the question of the ownership of land known as Lowertown Moor, Luxulyan, being the land comprised in the Land Section of Register Unit No. CL.421 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 no person claimed to be the freehold owner of the land in question and no one 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 6 October 1982. At the hearing Mr L N Parker appeared in person. On 25 June 1968 Mr Parker applied for the registration of a right of common over the land attached to Great Gurtha Farm, which registration became final on 17 November 1980. Since a man cannot be entitled to a right of common over his own land, it follows that Mr Parker cannot be the owner of the land in question.

In the absence of any further evidence I am not satisfied that any person is the owner of the 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 20th day of October 1982

  
Chief Commons Commissioner