



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/7

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of part of Gwithian Common, Towan, Hayle, Cornwall

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.109 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. OB10 made by Judith Margaret Bailey and referred to a Commons Commissioner on 30 August 1991.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 6 November 1991 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 land to which the objection relates is a dwellinghouse (a wooden chalet) known as "The Haven" surrounded by a small garden.

The objector produced -

(1) a statutory declaration dated 19 September 1991 made by herself who states that she can remember staying with her parents at the Haven on many occasions, the first being in 1944.

(2) a statutory declaration dated 29 October 1991 made by Peggy Hodges who declares that she has known the Haven since the 1920's and that the house and plot have remained the same in location and extent since her uncle Joseph James Bailey placed it in its present position.

(3) a statutory declaration dated 2 October 1991 who declares that she is 78 years old and can remember the Haven since she was 18 years old. She further declares that the boundaries of the objection land identified by a plan have been as shown since at least 1931.

On that evidence I am satisfied that it is not necessary to hold a public hearing and that the land objected to satisfied 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

16th

day of

December

1991

Peter Langdon Durrer
Chief Commons Commissioner