



In the Matter of Pieces of Land called  
Pendarves Wood, Kerrier D

---

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 336 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 ("the Unit land") or 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 Camborne on 13 January 1983.

There was no appearance at the hearing by any claimant. I was told by Mr J K Williams of the Cornwall Naturalists Trust that the Trust occupied the Unit land as lessee of the Forestry Commission. I have since seen a certified copy of a Conveyance dated 17 February 1960 between Winifred Alice Warwick-Pendarves and Others and the Minister of Agriculture Fisheries and Food, acting in exercise of the powers of the Forestry Act 1945, whereby a substantial part of the Unit land was conveyed to the Minister.

The Unit land comprises seven separate areas, four large and three small. Of the large areas there are three whose ownership is claimed by the Minister.

The three areas are (1) Croft Dauger and the Gilly ("CDG") (2) the area lying to the south of CDG ("the S area") and (3) the area lying to the south east of CDG ("the S E Area"). The boundary of the S E area at its north eastern end is a roadway near Stennack.

The areas not claimed by the Minister are the large area (the Roens) to the east of CDG, and the three small areas, ~~one near Treslothan~~ and two near Stennack, each of which is on the other side of the road running along the north east and south east boundaries of the S E area.

The third small area lies to the north of the S E area, near Treslothan. The Conveyance of 1960 comprises the three areas claimed and I am satisfied that the Minister is the owner of those parts of the Unit land.

I shall accordingly direct the Cornwall County Council, as registration authority, to register the Minister as the owner of those parts under section 8(2) of the Act of 1965. As to the remainder of the Unit land I am not satisfied as to its



- 2 -

ownership 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            13 June            1983

*L. J. Morris Smith*

Commons Commissioner