

COMMONS REGISTRATION ACT 1965



Reference No. 206/U/121

In the Matter of Poligy Moor, Carnmenellis,
Wendron

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL 686 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 South West Water Authority claimed to be the freehold owner of part 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 Camborne on 19 January 1983.

Mrs Canning, Solicitor, appeared for the Water Authority. The unit comprises two pieces of land the eastern one being triangular in shape. Mr Brian Colin Bolter now a Committee Clerk with Kerrier District Council and from 1966-1974 similarly employed by Kerrier Rural District Council said that he was familiar with the triangular piece of land having been involved in the negotiations for the acquisition of that and other land in 1966. The Authority and its predecessors had been in sole possession of this land, which was fenced on all sides, since 1966.

On this evidence I am satisfied that the South West Water Authority is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register the Authority as the owner of the land under section 8(2) of the Act of 1965. I am not satisfied that any person is the owner of the other piece of land which 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

26th

day of

January

1983

George Hesketh

Commons Commissioner