



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/710

In the Matter of Quintrell Downs,
 Colan, Cornwall (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 482 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X1408 made by Mr J S Vyvyan and noted in the Register on 23 November 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 24 June 1980. The hearing was attended by Mr E Pate, Solicitor, on behalf of the Restormel Borough Council and by Mr J D Jacoby, Solicitor, on behalf of the Objector. I gave leave for Mrs K G Kenworthy, the applicant for the registration at Entry No. 2 in the Rights Section of the Register Unit to be represented by her brother, Mr F S Strong, and for Mr W J Rickard, the applicant for the registration at Entry No. 3, to be represented by his son and namesake.

The elder Mr Rickard acquired his property known as Sunnyside in 1947. Before that he had been the tenant under a lease for 80 years granted to his predecessor in title in 1899. The lessor of 1899 was also the owner of the land comprised in the Register Unit, so that there was no right of common in law attached to what is now Mr Rickard's property. However, since the time that Mr Rickard acquired the leasehold interest 45 years ago he has grazed up to four ponies on the land comprised in the Register Unit and has taken tree-loppins and gorse for firewood. Although there is no mention of any right to do this in the 1947 conveyance, it must, in my view, be deemed to have included these rights by virtue of section 62 of the Law of Property Act 1925.

In view of the existence of the rights attached to Mr Rickard's property I confirm the registration.

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

21st

day of

July

1980.

Chief Commons Commissioner