



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/145 415
206/D/146 416
206/D/147 417

In the Matter of Racecourse Downs (part),
Blisland, North Cornwall District

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 5 (formerly No 3 replacing No 1) in the Rights Section of Register Unit No CL 226 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No X353 made by Brig C T Edward-Collins and noted in the Register on 30 March 1971 and by Objection No X1398 made by Blisland Commoners Association and noted in the Register on 27 October 1972.

I held a hearing for the purpose of inquiring into the disputes at Truro on 3 July 1979. At the hearing Mr Percy A'Lee Dingle of Castle Farm, Bodmin was represented by Mr G I Chisholm, solicitor of G & I Chisholm, Solicitors of Bodmin.

The land in this Register Unit is, as I understand the information now before me, a piece about 120 yards long from east to west and about 30 yards wide, is about 350 yards north of the A30 road, is north-west of a much larger area known as Racecourse Downs, and is about 1/2 a mile south of Trewardale. In the Rights Section has been registered on the application of Mr P A'L Colenso-Dingle and Mr K Tucker as tenant a right attached to Benorth Farm to graze cattle and to cut and take turf or peat. The Land Section registration was made in consequence of the application for the Rights Section registration. The grounds of Objection No X353 (to the Land Section registration) are "That the land was not common land at the date of registration". The grounds of Objection No X1398 (to the Rights Section registration) are "Rights do not exist".

With a letter dated 25 November 1976 Graham & Graham Solicitors of St Austell acting for Brigadier C T Edwards-Collins enclosed (i) a consent dated 23 November 1976 addressed to the Clerk of the Commons Commissioners and signed by Mr P A Dingle by which he (in effect) consented to the Objection No X353; and (ii) a letter dated 23 November 1976 from him to Graham & Graham in which he said that his father Mr P A'L Colenso-Dingle and Mr K Tucker were then both dead and that he Mr P A'L Dingle then owned and farmed Benorth Farm, and he wished to withdraw the claim to the land in question.

Mr Chisholm at the hearing confirmed this withdrawal.

In the circumstances summarised above, I refuse to confirm the registrations.

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 5th — day of November 1979

A. A. Bades Fells