



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/12

In the Matter of Redhill Downs, St Neot
Caradon D

DECISION

This reference relates to the question of the owner^{ship} of land described above being the land comprised in the Land Section of Register Unit No. CL 158 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 ("the Authority") claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Bodmin on 26 May 1982. At the hearing the Authority was represented by Mr M Green, Chartered Surveyor, and Mr M Parnall, Solicitor, appeared on behalf of Mr W Smith but did not claim ownership.

By a Conveyance dated 31 March 1977 the Unit land was conveyed to the Authority by William Frank Dyer, the Vendor. The Conveyance recited that the Vendor had been in possession of the property for six years and upwards without acknowledgment of the title of any other person. In connection with the purchase three Statutory Declarations were made in March 1976 by the Vendor, by Joanna F. Farmer and by Stanley Toms. From these it appeared that the vendor and his predecessors in title back to 1949 had successively acquired an undivided half share in the property and had been in undisturbed possession of the Unit land without any adverse claim being made: and that the Vendor had received annual payments from the Post Office in respect of wayleaves on the Unit land. The Authority has since its purchase in 1977 been in possession without any disturbance or adverse claim being made.

On this evidence I am satisfied that the Authority is the owner of the Unit land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register the Authority as the owner under section 3(2) 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

29 July

1982

L. J. Morris Smith
 Commons Commissioner