

COMMONS REGISTRATION ACT 1965



Reference No. 206/U/88

In the Matter of The Bowjey, Newlyn in the
Borough of Penwith

DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 277 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 Penwith District Council claimed to be the freehold owner 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 24 November 1982.

Mrs V Rutherford, Solicitor, appeared for the claimant and submitted a Statutory Declaration made by John Humphry Dodd Nicholas, formerly Assistant Town Clerk of the Borough of Penzance and later Deputy Town Clerk of the same Borough, on 7 May 1975.

On this evidence I am satisfied that Penwith District Council is the owner of that part of the land shown edged red on the plan attached to the Statutory Declaration and I shall accordingly direct the Cornwall County Council, as registration authority, to register the said District Council as the owner of such part under section 8(2) of the Act of 1965. The remainder of the said land will 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

6th

day of

December

1982

George Herbert

Commons Commissioner