



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/1047-1048

In the Matter of the tract of land called Treslea Downs in the Parishes of Cardinham and Warleggan

DECISION

These disputes relate to the registration at Entry Nos 1 and 2 in the Land Section of Register Unit No. CL.128 in the Register of Common Land maintained by the Cornwall County Council and the conflicting registration at Entry No. 41 in the Rights Section of the same Register.

The conflict arises because Entry No. 41 includes 2 plots of land, namely O.S. numbers 1595 and 1632 ("the 2 plots"), which are also included in the Land Section. The 2 plots adjoin each other and are situate at the western boundary of the Unit Land. Number 1595 has an area of 0.294 acres and Number 1632 has an area of 2.076 acres.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 22 February 1994. The hearing was attended by Mr C Brown, Mr N Worden and Mr N Capper, all of whom are commoners, with knowledge of Treslea Down going back for over 50 years. In addition Mr Capper appeared in a representative capacity, being Chairman of the Treslea Commoners Association. Their evidence was that the 2 plots have probably never been common land: certainly they have not been part of the common for the past 50 years. Nobody present at the hearing asserted that the 2 plots have ever been common land nor was any evidence produced, or written representation received by the Commons Commissioners, to that effect. Mr Capper stated that on Friday 18 February 1994 the Treslea Commoners met to discuss the hearing and it was the unanimous view of all present that the 2 plots never have been common land and should not be registered as such.

In the above circumstances I confirm the registration but subject as follows, namely, the description in the Land Section shall be modified so as to exclude the 2 plots.

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 1st day of March 1994

Commons Commissioner