



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/539

In the Matter of Tregoss Moors,
Roche, Cornwall

DECISION

This dispute relates to the registrations at Entry Nos 5(now 11), 8(now 12), 6(now 13), and 7 in the Rights Section of Register Unit No. CL 141 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X1206 made by George Hugh, Viscount Falmouth and noted in the Register on 7 December 1972.

I held a hearing for the purpose of inquiring into the dispute at Truro on 28 February 1979. The hearing was attended by Mr J G R Romary, Solicitor, on behalf of Mr A C Burnett, the Applicant for the registration at Entry No. 6(now 13) and the successor in title of the Trustees of the Late Charles Ernest Tabb, the applicants for the registration at Entry No. 7 and of Mr A B Robins, the applicant for the registration at Entry No. 8(now 12), Mrs M G Penna, the applicant for the registration at Entry No. 5(now 11), and Mr J B G Holt, Solicitor, on behalf of the Objector.

Mr Romary and Mr Holt informed me that it had been agreed that the registration at Entry No. 6(now 13) should be modified so that it would be limited to 25 cattle instead of 20 heifers and 20 steers, that the registration at Entry No. 7 should be confirmed, and that the registration at Entry No 8(now 12) should not be confirmed.

Mrs Penna has an admitted right to graze 8 head of cattle on the land comprised in Register Unit No. CL 115. This land is separated from the land comprised in Register Unit No. CL 141 by a river and a road. The cattle on CL 115 can and do stray across the river and the road onto CL 141, but the cattle from Mrs Penna's farm are not turned out onto CL 141. It thus appears that Mrs Penna has a right of common appurtenant vicinage on CL 141, but that is something which is an incident of the right to graze on CL 115 and is not separate right to graze on CL 141.

For these reasons I refuse to confirm the registrations at Entry Nos. 5(now 11) and 8(now 12), I confirm the registration at Entry No. 7 and I confirm the registration at Entry No. 6(now 13) with the following modification, namely the substitution of "25 cattle" for "20 heifers and 20 steers".

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

March

1979

Chief Commons Commissioner