



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/840-841

In the Matter of Trerank Moor, Roche,
Cornwall

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No.CL.622 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No.X444 made by English Clays Lovering Pochin and Co., Ltd and noted in the Register on 19 May 1971 and Objection No. X1210 made by Viscount Falmouth, and noted in the Register on 30 November 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 26 June 1980. The hearing was attended by Mr J R G Holt, Solicitor, on behalf of Lord Falmouth. There was no appearance on behalf of English Clays Lovering Pochin & Co., Ltd or the Ramblers' Association, the applicants for the registration, but before the hearing I received a request signed by the Secretary of the Ramblers' Association not to confirm the registration and to give my decision without a hearing.

I therefore refuse to confirm the registration.

Mr Holt applied for an order for costs against the Ramblers' Association. The request not to confirm the registration was signed by the Secretary of the Association on 13 June 1980. No notice of this was given to Lord Falmouth. The request was sent to the Commons Registration Officer of the County Council, and Lord Falmouth did not know that there would be no contest before me until his solicitors received the request from the Commons Registration Officer. In my view, the conduct of the Ramblers' Association in this respect was unreasonable. I shall therefore order the Association to pay Lord Falmouth's costs to be taxed according to County Court Scale 4.

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

25th

day of

July

1980

Chief Commons Commissioner