



COMMONS REGISTRATION ACT 1965

Reference No.6/D/5

In the Matter of Yellow Wort,
Wendon, Cornwall (No.1).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 121 in the Register of Common Land maintained by the former Cornwall County Council and is occasioned by Objection No.X1 made by Mr N.J.Pryor and noted in the Register on 3rd October 1968.

I held a hearing for the purpose of inquiring into the dispute at Truro on 12th March 1975. The hearing was attended by Mr R.J.Bradbury, the Deputy Secretary of the Kerrier District Council, the successor of the Kerrier Rural District Council, which applied for the registration, and by Mr C.J.Kingston, solicitor, on behalf of the Objector.

The land the subject of the reference is included under the heading of "Wastes" in the Wendon Tithe Apportionment award dated 27th December, 1841 where its state of cultivation is described as "Moorass".

By an instrument under seal dated 2nd October 1962 the Minister of Agriculture, Fisheries and Food in the exercise of the powers conferred on him by section 22 of the Commons Act 1899 consented to the grant and enclosure of part of the land in question having an area of 1.65 ac. for the purposes of the Water Acts 1943 and 1948. This part of the land now forms part of the undertaking of the South West Water Authority.

I would hesitate on this evidence alone to hold that the land in question (less, of course, the 1.65 ac.) fell within the definition of "common land" in section 22(1) of the Commons Registration Act 1965, but Mr Kingston stated that he was instructed not to pursue the Objection further.

In these circumstances I confirm the registration with the following modification:- namely, the exclusion of the 1.65 ac. the subject of the 1962 consent.

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 29th day of April 1975

Chief Commons Commissioner