



COMMONS REGISTRATION ACT 1965

Reference Nos 262/J/296
262/J/297

In the Matter of (1) High Green,
and (2) Low Green, Colby, Bandleyside,
Eden District, Cumbria

DECISION

These references relate to the question of the ownership of lands known as (1) High Green and (2) Low Green, Colby, Eden District being the lands comprised in the Land Section of Register Unit (1) No. VG 43 and No. VG 44 in the Register of Town or Village Greens maintained by the Cumbria (formerly Westmorland) 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 no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Penrith on 3 July 1980. At the hearing Bandleyside Parish Council were represented by Mr J Hurst their clerk.

Mr Hurst said (in effect):- The Parish Council was formed about 3 years ago combining the Parish Meetings of Colby, Ormside and Hoff. High Green (VG 43, containing about 2.4 acres) is grass land used for casual grazing by the Village; Low Green (VG 44, containing about 0.839 acres) is more of a pasture than the other; it is crossed by a public path (a pleasant walk); it is used for the annual children's sports. Both were registered on the application of Colby Parish Meeting. He had inquired of a number of people in the Village and found nobody who either claimed or had any knowledge of the ownership of these Greens.

In the absence of any evidence I am not satisfied that any person is the owner of the lands, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Bandleyside Parish Council as the owner of the lands under section 3(3) 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 21st — day of July — 1980

a. a. Butler Jelle

Commons Commissioner