



Reference Nos 262/U/15  
262/U/17  
262/U/18

COMMONS REGISTRATION ACT 1965

In the Matter of (1) Village Green,  
Kirkland, (2) The Tarn, Culgaith Village,  
and (3) Flodder, Culgaith Village, all in  
Culgaith (Parish), Eden District, Cumbria

DECISION

These references relate to the question of the ownership of lands known as (1) Village Green, Kirkland, (2) The Tarn, Culgaith Village, and (3) Flodder, Culgaith Village, all in Culgaith (Parish), Eden District being the lands comprised in the Land Section of Register Unit (1) No. VG 70, (2) No. VG 72 and (3) No. VG 73 in the Register of Town or Village Greens maintained by the Cumbria (formerly Cumberland) 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 25 April 1979. At the hearing Culgaith Parish Council were represented by Mr D Youngman their chairman and Mr W A Whitfield their clerk.

Mr Whitfield said that the Parish Council although they had no documents of title, had over the years administered and managed the Village Green. After some discussion as to the possibility of evidence being given about ownership, Mr Whitfield agreed that in the circumstances, I should proceed under sub-section (3) of section 8 of the 1965 Act.

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 Culgaith Parish Council as the owner of the lands under section 8(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 June — 1979

*a. a. Basden Fuller*

Commons Commissioner