



In the Matter of a Gravel Sand Pit at Jenkin Cross,
Westward, Allerdale D

DECISION

This reference relates to the question of the ownership of land known as a gravel sand pit at Jenkin Cross, Westward, Allerdale D being the land comprised in the Land Section of Register Unit No. 82 in the Register of Common Land maintained by the former 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 Midland Bank Executor and Trustee Company Ltd. claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cockermouth on 10 July 1979.

Mr Adams and Mr Pigg appeared for Westward Parish Council and Mr D M Livingstone of Messrs Burnetts appeared for Midland Bank Executor and Trustee Company Ltd. the sole executor of the late Richard Miller.

Mr Livingstone produced a conveyance dated 30 January 1925 with plan attached whereby the land in question and other adjoining land was conveyed to E R Reay and a conveyance dated 31 March 1937 of the same land by E R Reay to the Land Settlement Association Ltd. on 17 May 1950. The Land Settlement Association conveyed the same land to the Minister of Agriculture and Fisheries on 28 March 1956, the Minister of Agriculture and Fisheries conveyed the land comprised in the above mentioned conveyances excluding the land in question to the late Richard Miller. The paper title to the land in question is therefore in the Minister, but I was told and Mr Adams agreed that Richard Miller had been in exclusive occupation of the land in question since 1956 and the Minister's title is therefore in my view barred by the Limitation Act 1939. However, Mr Livingstone made enquiries at the Ministry and received a reply dated 28 June 1979 that as far as the author of the letter was aware the Ministry was not claiming ownership.

On this evidence I am satisfied that Midland Bank Executor and Trustee Company Ltd is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Midland Bank Executor and Trustee Company Ltd as the owner of the land under section 8(2) 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

31st

day of

July

1979

G. A. Little