



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/174

In the Matter of Amberfield,
Burgh-by-Sands, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Amberfield, Burgh-by-Sands, being the land comprised in the Land Section of Register Unit No. CL 39 in the Register of Common Land maintained by the Cumbria 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 the Burgh-by-Sands Parish Council 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 Carlisle on 5 February 1980.

At the hearing the Parish Council was represented by Mrs J M Johnson, its Chairman.

In 1967 the Parish Council planted a number of shrubs and a tree on the land in question. Since then the Council has planted additional shrubs and kept the land in order. In my view, the Council took possession of this land in 1967 and has remained in undisputed possession of it ever since.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Burgh-by-Sands Parish Council 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

22nd

day of

February

1980

Chief Commons Commissioner