



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/394

In the Matter of Arnaby Moss, Millom,
Copeland B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 359 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 there were claims by Mr J R Stutt and Lord Lonsdale to ownership of the land in question ("the Unit land").

I held a hearing for the purpose of inquiring into the question of the ownership of the Unit land at Whitehaven on 19 April 1983.

At the hearing Mr L H Hayton, Solicitor, appeared on behalf of Mr Stutt and Mr J H F Spedding, of Counsel, appeared on behalf of Lord Lonsdale.

By a Conveyance dated 24 June 1946 between Sir W A Lewthwaite (1) and John Robert Stutt (2) farm property of some 415 acres was sold and conveyed to Mr Stutt. This property included the Unit land, which since 1956 has been let to Mr J E and Mr W B Wearing. Mr J E Wearing was called and confirmed that he had been tenant under the Tenancy Agreement, which is dated 12 May 1957, since 1956 and that the rent has been paid to Mr Stutt. Following the evidence adduced on behalf of Mr Stutt, the claim by Lord Lonsdale was withdrawn.

On the evidence I am satisfied that Mr J R Stutt is the owner and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner of the Unit 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

73 June

1983

L. J. Morris Smith

Commons Commissioner