

COMMONS REGISTRATION ACT 1965

Reference No. 262/U/357

In the Matter of Bellman Landing,
eastern shore of Lake Windermere,
Bowness on Windermere Parish,
South Lakeland District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Bellman Landing, eastern shore of Lake Windermere, Bowness-on-Windermere Parish, South Lakeland District being the land comprised in the Land Section of Register Unit No. CL 145 in the Register of Common Land 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 South Lakeland District Council said (letter dated 21 November 1980) that they had been trying unsuccessfully to establish the ownership of the land in question: they own the bed of the Lake and had been concerned for a number of years with the uncontrolled access from this land; the recently drafted Cumbria Bill contained a clause which would have the effect of extinguishing the public landing and launching rights. No person 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 Keswick on 29 April 1981. At the hearing South Lakeland District were represented by Mr A F Winstanley, solicitor, their Secretary and Legal Services Officer.

Mr Winstanley said (in effect):- the land is situated where the A529 road runs very near to the shore of the Lake. His Council had displayed notices on the land about the navigation of the Lake. Clause 8 of the above-mentioned Bill (it has been approved in the House of Lords but not yet in the House of Commons) would in effect extinguish any right the public might have to launch boats from the land, and enable his Council to control its use at their discretion.

After some discussion as to the information available to his Council about the history of the land, Mr Winstanley said he would not be offering any evidence, because such information did not give any definite indication about ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 19th — day of May — 1981

a. a. Baden Fuller

Commons Commissioner