



COMMONS REGISTRATION ACT 1965

Reference No 262/U/99

In the Matter of Birkby Village Green,  
Near Maryport, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Birkby Village Green being the land comprised in the Land Section of Register Unit No VG 1 in the Register of Town or Village Greens 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 Crosscanonby Parish Council claimed to be the freehold owner of the land in question ("the Unit Land") and the Charity Commission 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 22 May 1979. The hearing was attended by Mr T Armstrong, the Chairman and Mr G L Whitehead, the Clerk to the Parish Council, and by Mr J Greer of the Registration Authority.

As appears from the Affidavit sworn on 16 May 1979 by Janet Crawshaw, an Officer of the Charity Commission, by an Enclosure Award dated 14 March 1853 the Unit Land was awarded to the Churchwardens and Overseers of the Parish, to be held by them and their successors in trust as places of exercise and recreation for the inhabitants of the Parish. On this evidence I am satisfied that the Parish Council as successor to the Churchwardens and Overseers is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the 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 21st day of August 1979.

*L. J. Morris Smith*

Commons Commissioner