



In the Matter of Black Beck Watering Place,  
Mungrisdale, Cumbria.

## DECISION

This reference relates to the question of the ownership of land known as Black Beck Watering Place, Mungrisdale, being the land comprised in the Land Section of Register Unit No. CL 281 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 Mungrisdale 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 Penrith on 15 October 1981.

At the hearing the Parish Council was represented by Mr A R Nobbs, solicitor.

By the award dated 2 October 1893 made under the Inclosure (Mungrisdale) Provisional Order Confirmation Act 1891 (54 & 55 Vict., c. liv) the land in question was set out as a public pond or watering place which was from time to time to be properly cleansed and repaired by the Surveyors of the Highways of the township of Mungrisdale.

In my view this did not pass the freehold estate in the land to the Surveyor of Highways.

Therefore, on this 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

30<sup>th</sup>

day of

October

1981

Chief Commons Commissioner