



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/180

In the Matter of Brisco Common, near
Brisco, St Cuthbert Without, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Brisco Common, near Brisco, St Cuthbert Without, being the land comprised in the Land Section of Register Unit No. CL 48 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 no person claimed to be the freehold owner of the land in question and no one 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 St Cuthbert Without Parish Council was represented by Mr A Glencross, its Clerk.

Mr Glencross said that the Parish Council has maintained the land the subject of the reference for many years, but that this maintenance consisted solely of cutting the grass. In my view, merely cutting the grass on land does not constitute a taking possession of the land upon which a possessory title can be based.

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

22nd

day of

February

1980

Chief Commons Commissioner