



In the Matter of Cliburn Moss, Brougham
and Cliburn

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.116 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 (1) J A Willan, D. Willan & J P Willan (2) Mrs Marion Robinson claimed to be the freehold owners 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 11 June 1985. At the hearing Mr C R Arnison, Solicitor, appeared on behalf of the Willans: no other claimant appeared.

By a conveyance dated 29 September 1972 G I Barty-King and the Duke of Westminster conveyed to the Willans by way of sale property in the parish of Brougham which included the land in question. Mr D. Willan giving evidence, told me that the land is ~~wet~~ peat land with some timber on it but unsuitable for grazing, and that they had exercised ownership rights over it.

On the evidence I am satisfied that the Willans are the owners of the land in question, and I shall accordingly direct the Cumbria County Council, as registration authority to register them as the owners 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 27th day of July 1985

L. J. Morris Smith
Commons Commissioner