



In the Matter of Gilcrux Village Green,  
Cumbria

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DECISION

This reference relates to the question of the ownership of land known as Gilcrux Village Green being the land comprised in the Land Section of Register Unit No. VG 38 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 Captain J B Dykes claimed to be the freehold owner of the land in question ("the Unit Land") 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 Unit land at Cockermouth on 24 May 1979.

The hearing was attended by Mr J Greer of the registration authority and Mr R Atkinson, Solicitor, of the firm of Milburn and Co, on behalf of Captain Dykes.

Captain Dykes's claim is based on his Lordship of the Manor of Gilcrux of which the Unit Land is claimed to form part and an 1824 Plan of the Manor indicates that this was so. Compensation Agreements entered into after the 1925 property legislation show that Captain Dykes's father, Mr F H B Dykes was then Lord of the Manor: he died in 1949 and Captain Dykes is his surviving executor.

In a letter dated 1 March 1979 ~~from~~ the Chairman of Gilcrux Parish Council stated that the Council understands that Captain Dykes is the freeholder of the soil of the wastes and commons of the manor and therefore of the Unit Land: and that on occasions the Council has acknowledged this status of the Lord of the Manor by referring to him or to his steward questions concerning the Unit Land. In all the circumstances I am satisfied that Captain Dykes as successor to the Lordship of the Manor is the owner and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner of the Unit land under section 6(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 21 August 1979

*L. J. Morris Smith*

Commons Commissioner