



In the Matter of Goose Holme and Castle
Crescent, Kendal, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Goose Holme and Castle Crescent, Kendal, being the land comprised in the Land Section of Register Unit No. VG 66 in the Register of Town or Village Greens 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 South Lakeland District 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 Kendal on 24 July 1980.

At the hearing the District Council was represented by Mr A Crossley, its legal executive.

Mr Crossley informed me that he had no evidence as to the ownership of the land in question. The land is regulated by a Scheme under the Commons Act 1899, but the powers of management under Part I of that Act are not being exercised by the Kendal Town Council.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the District Council as the owner of the land under section 8(3) 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.

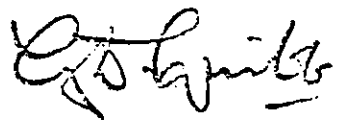
Dated this

25th

day of

August

1980


Chief Commons Commissioner