



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/272

In the Matter of Gooseholme,
Kendal, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Gooseholme, Kendal, being the land comprised in the Land Section of Register Unit No. CL 153 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 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.

It appears from the minutes of the Property and Pleasure Grounds Committee of the former Kendal Borough Council that the land in question was in the possession of the Council in 1897 and 1907.

On this evidence I am satisfied that the former Kendal Corporation was the owner of the land, and that it became vested in the District Council on 1 April 1974 under the Local Authorities (England) (Property etc.) Order 1973 (S.J. 1973 No. 1861). I shall accordingly direct the Cumbria County Council, as registration authority, to register the District Council as the owner of the land under section 3(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

25th

day of

August

1980

Chief Commons Commissioner