



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/161

In the Matter of High Rigg, Near  
Naddle, Keswick

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DECISION

This reference relates to the question of the ownership of land known as High Rigg, Near Naddle, Keswick being the land comprised in the Land Section of Register Unit No. ~~CL 21~~ in the Register of Common Land 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 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 Keswick on 30 June 1981.

Mr R Welsh and Mr J Cartmel, the Chairman and a member respectively of St John, Castlerigg and Wythburn Parish Council, appeared on behalf of the Council and Mr Robertson of Messrs Watson Lewis and Company, Land Agents of Penrith appeared on behalf of the Trustees of the Estate of H W Walker deceased.

The application for registration in the Land Section which had been made as a result of two applications in the Rights Section became final on 1 October 1970. As there was a dispute in relation to an Entry in the Rights Section, I adjourned the hearing on the question of ownership until after the determination of that dispute. After hearing the dispute I confirmed the disputed Entry subject to a modification.

The only evidence as to ownership appears in a letter from Messrs Watson Lewis and Company dated 3 December 1979 in which they formally withdrew their clients claim to ownership and suggested that by virtue of a Conveyance made pursuant to an earlier Enclosure Act the unit might be vested in the stint-holders as tenants in common. If this were the case the land would have vested on 1 January 1926 in the Public Trustee under Part IV (4) or Part V 2. of the First Schedule to the Law of Property Act, 1925. See also the decision of Pennycuik J. in *Re Cotherstone Moor Public Trustee v Iceton and Dent* reported in the Estates Gazette on 1 July 1961 and *Helsburys Laws of England* 4th Ed. Vol 6 paragraph 731. *On the evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to registration under*

(x 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.

23rd

day of

September

1981

George Harkett