



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/364

In the Matter of Lamonby
Quarries, Skelton, Eden
District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Lamonby Quarries, Skelton, Eden District being the land comprised in the Land Section of Register Unit No. CL341 in the Register of Common Land maintained by the Cumbria (formerly 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 Lord Inglewood claimed (letter of 18 November 1980) to own the land as Lord of the Manor of Skelton; and Skelton Parish Council said (letter of 13 November 1980) that they wished to claim these lands as common and in their custody. No other person claimed to be the freehold owner of the land in question or 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 Penrith on 18 June 1981. At the hearing Rt Hon W M Baron Inglewood was represented by Hon C J F Vane of counsel instructed by Trower, Still & Keeling, Solicitors of Lincolns Inn, London; and Skelton Parish Council on whose application the registration was made, were represented by Mr W Wetherell, their clerk.

Mr Vane said that Lord Inglewood did not now claim to be the owner of the land. Mr Wetherell said (in effect):- The Parish Council do not claim ownership. Some years ago they were so advised, having discovered that the land (quite a big quarry and a long way from the road) was mentioned in the title deeds of Messrs Joseph Donald, Malcolm Donald and Isaac Donald of Lamonby House.

In the absence of any evidence, I am not satisfied that any person is the owner of the land. But in view of Mr Wetherell's statement, I shall direct a copy of this decision to be sent to Messrs Donald, and I give them liberty within 40 days of the decision being so sent to apply to me to adjourn the proceedings, and such liberty will extend to any person to whom they claim or who claims through them. Any such application should be made in writing by letter addressed to the Clerk of the Commons Commissioners in London and should set out names and addresses of persons claiming ownership and the grounds of such claim identifying any documents relied on. Nothing in this decision should be taken as meaning that any adjournment asked for will be granted as a course. Unless at such adjourned proceedings (if any), I or some other Commons Commissioner is satisfied to the contrary, the land will remain subject to protection under 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 24th day of July 1981

a a. B. - 24