



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/295

In the Matter of Land at Watergate
Bottom, west of Blue Grass Farm,
Mallerstang, Eden District

DECISION

This reference relates to the question of the ownership of land at Watergate Bottom, west of Blue Grass Farm, Mallerstang, Eden District being the land comprised in the Land Section of Register Unit No. VG41 in the Register of Town or Village Greens maintained by the Cumbria (formerly Westmorland) 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 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 Penrith on 3 July 1980. At the hearing Mr J Morphet who is the chairman and Mrs Margaret Moore who is the clerk of Mallerstang Parish Meeting attended in person.

Mr Morphet referred to a hearing on the previous day relating to the ownership of part of the land known as Mallerstang Common and comprised in Register Unit No. CL93; he then said that this VG41 registration was a mistake in that it should have comprised or included land in Register Unit No. CL93 situated on both sides of the River Eden near to and north and west (lower down the River) of the land which has in fact been registered in this Register Unit (VG41). Such last mentioned land is now known as Dale Foot Bottom, and the farm marked on the Register map as Blue Grass has by the present owner had its name changed to Dale Foot Farm. My decision in the CL93 proceedings is of even date and is given under Reference Nos. 236/D/286-287; these VG41 proceedings also relate to ownership, and for reasons ^{which} essentially as those set out in my said decision, which are equally applicable to this VG registration, I consider that I can do nothing about this mistake and that I must proceed on the basis that this VG registration comprises what is described in the Land Section of the Register and nothing more.

In the absence of any evidence about ^(the ownership of) this land I am not satisfied that any person is the owner of it, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Eden 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 22nd — day of July — 1980

a. a. Baden Fuller