



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/228

In the Matter of Land known as North Row
Quarry Bassenthwaite Allerdale D

DECISION

This reference relates to the question of the ownership of land known as North Row Quarry Bassenthwaite Allerdale D being the land comprised in the Land Section of Register Unit No. CL.222 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 Bassenthwaite Parish 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 Cockermouth on 12 July 1979.

Mr Meadus clerk to the Bassenthwaite Parish Council appeared for his Council.

Mr Meadus referred me to some extract from the minutes of the Parish Council from which it appeared that on February 5 1898 the quarry committee was instructed to consider this quarry, that the Committee visited the quarry on 17 May 1898, reported on its condition and did not recommend bye laws. If I correctly understand Mr Meadus, the Parish Council has never engaged in any quarrying activities which were always undertaken by the District Council and a complaint was made that stone from this quarry was being used for roads outside the parish. There was no evidence of the parish having received compensation for the stone which it alleged was wrongly taken from its quarry. About five years ago the Parish Council fenced the quarry. This evidence in my view falls short of that required to establish a possessory title. It is relevant to mention that an Entry in the Ownership Section of the Register is not conclusive evidence of Ownership and in my view the Parish Council will be better able to protect the land if it is placed under protection.

For these reasons I am not satisfied that any person is the owner of the land, and it will therefore be 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

3rd

day of September

1979

Commons Commissioner