



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/204

In the Matter of Little Orton Pond, Orton,  
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Little Orton Pond, Orton, being the land comprised in the Land Section of Register Unit No. CL.172 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 Orton Parish Council claimed to be the freehold owner of the land in question and no other person claim to have information as to its ownership.

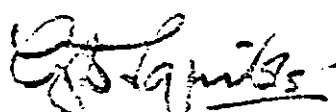
I held a hearing for the purpose of inquiring into the question of the ownership of the land at Carlisle on 6 February 1980. At the hearing the Orton Parish Council was represented by Mr W Moore, its Chairman.

The Pond was filled in by the former Cumberland County Council in 1970. The Parish Council has kept the land clean and kept the weeds down, but has done nothing, such as fencing or planting trees, to which an owner must be expected to object. In my view, the Parish Council has never been in possession of the land so as to acquire a possessory title to it.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore 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 22nd day of February 1980

  
Chief Commons Commissioner