

COMMONS REGISTRATION ACT
1965



Reference No. 262/U/555

In the Matter of Manorial Waste and Ground
for getting Gravel, near Dalston Bridge,
Bucabank, Dalston, Cumbria

DECISION

This reference relates to the question of the ownership of Manorial Waste and ground for getting gravel near Dalston Bridge, Bucabank, Dalston, being the part of the land comprised in the Land Section of Register Unit No. CL.211 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 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 Cockermouth on 17 October 1984.

There was no appearance at the hearing because Mr A Glencross, the Clerk of the Dalston Parish Council, was unable to reach Cockermouth owing to his car breaking down on the journey.

Mr Glencross subsequently submitted for my consideration a statutory declaration sworn by himself.

Before considering the statutory declaration it is necessary to have in mind that on 24 June 1968 the Church Commissioners for England applied to be registered as the owners of the whole of the land comprised in the Register Unit, and on 25 June 1968 the Dalston Parish Council applied to be registered as the owner of part of the land described as Forge Green or Poor House Green. On 9 April 1981 I held a hearing for the purpose of inquiring into the disputes occasioned by these conflicting registrations. I was then informed by the Solicitor appearing on behalf of the Church Commissioners that he was instructed not to support the registration for which the Commissioners had applied. I therefore refused to confirm the Church Commissioners' registration and I confirmed the registration for which the Parish Council had applied.

The subject of this reference, therefore, does not include the land described as Forge Green or Poor House Green. There are exhibited to the statutory declaration a number of copies of extracts from the minutes of the Parish Council between 1900 and 1977, and it is stated in paragraph 3 of the declaration: "As is clear from the extracts from the said minutes the council has considered itself to be the owner of the Property". However, the extracts all refer to Forge Green, which is the subject of the registration which I confirmed in 1981.



In the absence of any evidence relating to land other than Forge Green I am not satisfied that any person is the owner of the land the subject of this reference, 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

25th

day of

January

1985

Chief Commons Commissioner