



In the Matter of Oughterside Village
Green, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Oughterside Village Green, being the land comprised in the Land Section of Register Unit No. VG 8 in the Register of Town or Village Greens 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 Oughterside and Allerby Parish Council claimed to be the freehold owner of the land in question ("the Unit Land") 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 22 May 1979.

At the hearing the Parish Council was represented by its Chairman, Mr T A Osborne and Mr J Greer of the Registration Authority also attended. By a Conveyance dated 24 August 1928 made between J T Hayton and others and the Parish Council, there was conveyed to the Council as a site for a public reading and re-creation room a piece of land which is the eastern section and approximately one-third of the Unit Land. Some 8 or 10 years ago swings were erected on part of the Unit Land near the road at its western boundary and a football pitch has been made on the two-thirds not included in the Conveyance. The Parish Council erected a barrier on the road side about 6 to 8 years ago and a kerb on the south side: and physically the whole is one unit.

I am satisfied that the Parish Council is the owner of the part of the Unit Land comprised in the Conveyance and shall direct the Cumbria County Council to register it as owner under S.8 (2) of the Act of 1965. I am not satisfied that it has acquired ownership of the remaining part of the Unit Land, as to which I am not satisfied that any person is the owner and shall direct the County Council to register the Parish Council as owner under S.8 (3) of the Act.

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

18 July

1979

L. J. Morris Smith

Commons Commissioner