

In the Matter of Part of Eskdale Common, Copeland BDECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL.58 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 National Trust 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 Whitehaven on 19 April 1983. At the hearing the National Trust was represented by its Land Agent, Mr H F Devlin.

The part of the common of which there is no owner registered ("the relevant part") is the area shown on the plan attached to Objection No. 16 noted in the register on 2 October 1970. This area was included in the property conveyed to the National Trust by a Conveyance dated 6 February 1925 by Lord Leconfield. On this evidence I am satisfied that the National Trust is the owner of the relevant part and I shall accordingly direct the Cumbria County Council, as registration authority, to register the National Trust as the owner under section 8 (2) 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

13 June 1983

Commons Commissioner