



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/490

In the Matter of part of Ullswater Lake,
Matterdale Parish, Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land being part of Ullswater Lake, Matterdale Parish, Eden District and being the land comprised in the Land Section of Register Unit No. CL 395 in the Register of Common Land maintained by the Cumbria (formerly 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 Lake District Special Planning Board claimed (letter of 17 December 1981) to be the 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 Penrith on 12 March 1982. At the hearing Lake District Special Planning Board were represented by Mr C J Chapman, the Solicitor to the Board.

The land in this Register Unit (all covered by water) is about $\frac{1}{2}$ a mile long and is bounded on the northwest by the shore of the Lake north and south of Oldchurch, and on the southeast by the middle line of the Lake.

Mr Chapman in the course of his evidence produced a conveyance dated 18 July 1968 by which Mr Stafford Vaughan Stepney Howard with the concurrence of trustees conveyed to Lake District Planning Board three pieces of land covered by water forming part of the bed of Ullswater about $\frac{3}{4}$ of a mile, 1 mile and $1\frac{1}{2}$ miles long. He identified the land in this Register Unit as part of that secondly conveyed. He explained that although the navigation of the Lake is regulated by byelaws made under the Merchant Shipping Acts, the ownership of the bed of the Lake may enable the Board to exercise some control over other uses of the Lake.

On the evidence above summarised I am satisfied that the Board are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Lake District Special Planning Board of National Park Office, Busher Walk, Kendal as the owners of the land 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 this 27th — day of April — 1982

a. a. *Boule Fuller*

Commons Commissioner