



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/150

In the Matter of Ponsonby Fell or
Common, Ponsonby

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 165 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 Trustees of the Stanley Settlement claimed to be the freehold owners 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 Unit land at Keswick on 11 October 1979.

The Trustees claiming ownership are H F T Gough and W F Gough who were represented at the hearing by Mr R A Moss of the firm of Edwin Thompson and Co., Chartered Surveyors. There also attended Mr T Scott of the Forestry Commission, which has registered rights of grazing.

The documents of title on which the claim was based consisted of (A) Conveyance dated 21 July 1955 between (1) Philip Stanley (2) Philip Stanley and J H Brown (3) Philip Stanley, (B) Confirmatory Conveyance dated 22 December 1952 between (1) Honora F Stanley and Another (2) Nicholas A Stanley, (C) Conveyance dated 2 April 1965 between (1) Nicholas A Stanley (2) H F T Gough and W F Gough.

On this evidence I am satisfied that the claimants are the owners of the Unit land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register H F T Gough and W F Gough as the owners of the land under section 8(2) of the Act of 1965.

I am required by regulation 50(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

10 April

1980

L. J. Travis Smith

Commons Commissioner