



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/32

In the Matter of Recreation Allotment, Mockerkin
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Recreation Allotment at Mockerkin being the land comprised in the Land Section of Register Unit No. VG.88 in the Register of Town or Village Greens 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 Mockerkin Educational Foundation ("the Trustees") claimed to be the freehold owners 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 Cockermouth on 22 May 1979.

At the hearing, Mr R B Watson, Solicitor of the firm of Oglethorpe and Hough, appeared on behalf of the Trustees. The land was the subject of an Inclosure Award of 3 December 1965 and became vested in the Parish Council of Loweswater on Charitable Trusts. Under a Scheme dated 31 May 1973 the Parish Council was authorised by the Charity Commissioners to sell the land to the Trustees, and this sale was effected by a conveyance to the Trustees dated 4 March 1974. By virtue of an order of the Charity Commissioners dated 20 June 1974 the land was vested in the Official Custodian for Charities.

In this evidence I am satisfied that the Official Custodian for Charities is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority to register the Official Custodian as the owner of the land under section 8 (2) of the Act of 1965.

As required by regulation 30 (1) of the Commons Commissioners Regulations 1971 I 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