



In the Matter of Recreation Allotment,
Mungrisdale, Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Recreation Allotment, Mungrisdale, Eden District being the land comprised in the Land Section of Register Unit No VG 105 in the Register of Town or Village Greens 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 The Commons Open Spaces and Footpaths Preservation Society on whose application the registration was made sent (with a letter dated 30 March 1979) an extract from an Award dated 2 October 1893 for the Inclosure of Mungrisdale Low Common showing that 5 pieces of land containing 3a. 27p., 2r. 4b., 3a. 2r., and 1r 8p. had been allotted to the Churchwardens and Overseers of the Poor for recreational purposes. No person 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 Penrith on 26 April 1979. There was no appearance at the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Mungrisdale Parish Council as the owner of the land under section 8(3) 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 21st — day of May — 1979

a. a. Butler Fuller

Commons Commissioner