



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/54

In the Matter of School Green, Dovenby, School Green, Wakey Hill,  
Castlerigg Green, Derwentwater Green

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DECISION

This reference relates to the question of the ownership of the above-mentioned pieces of land being the land comprised in the Land Section of the Register Unit No. VG 114 in the Register of Town or Village Greens maintained by the former 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 no person claimed to be the freehold owner of the land in question ("the Unit Land"): the Commons Open Spaces and Footpaths Preservation Society 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 Cockermouth on 23 May 1979.

The hearing was attended by Mr J Greer of the Registration Authority and Mr R Atkinson of the firm of Milburn and Co, Solicitors, appeared on behalf of Mr J Ballantyne-Dykes. He, I understand, is the Lord of the Manor in relation to two of the pieces of land but was not claiming ownership.

The four pieces of land are quite separate greens in different localities. From the information supplied by the Society in their letter dated 20 April 1979, it appears that they were the subject of Enclosure Awards made in 1842, 1845 and 1849 to different Churchwardens and Overseers. In the absence of any claim to ownership by successors to the respective Churchwardens and Overseers, I am not satisfied that any person is owner by derivation from those awards, or otherwise. I shall accordingly direct the Cumbria County Council as registration authority to register as owners under S. 8(3) of the Act of 1965 the relevant parish councils which, I am informed, are as follows:- School Green, Dovenby: - Bridekirk Parish Council, School Green, Wakey Hill: - Salport Parish Council, Castlerigg Green: - St Johns, Castlerigg Parish Council, Derwentwater Green: - St. Johns, Castlerigg Parish Council.

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

21 August

1979

*L. J. Morris Smith*

Commons Commissioner