



In the Matter of Seavy Holmes, Ainstable, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Seavy Holmes, Ainstable, being the land comprised in the Land Section of Register Unit No. CL 436 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 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 21 July 1982.

At the hearing Miss J Watson appeared in person.

Members of Miss Watson's family are registered as being entitled to "graze 3 stints (1 stint equalling 1 animal) and shooting and fishing rights and possibly the right to cut timber and brushwood" over the whole of the land the subject of the reference. Despite its somewhat eccentric draftsmanship, there was no objection to this registration, so it became final by virtue of section 7 of the Act of 1965. Miss Watson suggested that because no other rights were registered over the land, her relations were the only persons interested in it and so entitled to be registered as the owners. This argument is unsound in law. On the contrary, the registration of the rights is inconsistent with ownership of the land, since a man cannot be entitled to a right of common over his own land.

In the absence of any further evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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.

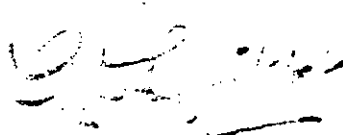
Dated this

23<sup>rd</sup>

day of

July

1982

  
Chief Commons Commissioner