



In the Matter of Skoll Green,
Martindale, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Skoll Green, Martindale, being the land comprised in the Land Section of Register Unit No. CL 138 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 Mrs S M McCosh 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 31 October 1980.

At the hearing Mrs McCosh was represented by Mr D Mellor, solicitor.

There being no entry in the Rights Section of the Register Unit the land in question can only fall within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 by being waste land of a manor not subject to rights of common. Part of the waste land of the manor of Martindale was inclosed by the award made on 23 March 1824 under the Martindale Inclosure Act 1819 (59 Geo. III, c. 74 (private, not printed)), but that did not include the land in question, which was therefore left in the ownership of the lord of the manor, Edward Hasell. The lordship of the manor was conveyed to Mrs McCosh by a vesting deed made 5 April 1961 between (1) Edward William Hasell (2) Sylvia Mary McCosh (3) S M McCosh, Bryce Knox McCosh and Sir William Anthony Lewthwaite, bt.. This conveyed the waste land of the manor by virtue of section 62 of the Law of Property Act 1925.

On this evidence I am satisfied that Mrs McCosh is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register her as the owner of the land under section 8(2) 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

6th

day of

November

1980

CHIEF COMMONS COMMISSIONER