



In the Matter of The Allotment at 3-Mile-Stone  
on the Sedbergh Road, Kirkby Stephen, Cumbria

DECISION

This reference relates to the question of the ownership of land known as the Allotment at 3-mile-Stone on the Sedbergh Road, Kirkby Stephen, being the land comprised in the Land Section of Register Unit No. CL.165 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 one 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 29 October 1980. At the hearing Mr P Birtles, Solicitor, appeared on behalf of the Trustees of the Kirkby Stephen United Charities. One of the United Charities is called "The United Relief in Need Charity". The land the subject of the reference is part of the property of this Charity, and it is vested in the Official Custodian of Charities by virtue of a Scheme made by the Charity Commissioners on 11 October 1912, as affected by the provisions of the Charities Act 1960.

On this evidence I am satisfied that the Official Custodian 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.

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

17<sup>th</sup>

day of

November

1980

Chief Commons Commissioner