



In the Matter of The Banks, Nether Staveley,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Banks, Nether Staveley, being the land comprised in the Land Section of Register Unit No. CL.154 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 the South Lakeland District Council 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 Kendal on 23 July 1980. At the hearing the District Council was represented by Mr A Crossley, its legal executive.

The land the subject of the reference was set out and allotted to the Surveyors of the Highways within the manor, township or division of Nether Staveley as and for public quarries and for getting gravel for the repairs of the roads made over the commons and waste grounds within the manor, township, or division by Strickland Ketel and Nether Staveley Inclosure Award of 1821.

The land was transferred to the former South Westmorland Rural District Council by Section 25 and 67 of the Local Government Act 1894. It was not transferred to the County Council under S.118 of the Local Government Act 1929, and it became parish property under Section 305 of the Local Government Act 1933. Finally, it was transferred to the District Council on 1 April 1974 by the Local Government Act 1972.

On this evidence I am satisfied that the District Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the District Council 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

25th

day of

August

1980


Chief Commons Commissioner