



In the Matter of The Green,
Great Asby, Asby, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Green, Great Asby, Asby, being the land comprised in the Land Section of Register Unit No. VG 31 in the Register of Town or Village Greens 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 Asby Parish 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 Penrith on 24 April 1980.

At the hearing the Parish Council was represented by ^{MR}J Dent, its Clerk.

The land the subject of the reference was awarded by the Asby Mask Inclosure Award made in 1855 under the Acts for the Inclosure, Exchange and Improvement of Lands to the Churchwardens and Overseers of the Poor of the parish of Asby to be held in trust as a place of recreation of the inhabitants of the township of Asby Mask and neighbourhood.

The land became vested in the Parish Council by sections 6(1)(c)(iii) and 67 of the Local Government Act 1894.

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

5th

day of

June

1980

Chief Commons Commissioner