



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/552

In the Matter of The Green, Wasdale Head,  
Netherwasdale, Copeland B

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DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. VG 98 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 claims to ownership of the land ("the Unit land") were made by the National Trust and by Netherwasdale Parochial Church Council.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Whitehaven on 19 April 1983.

At the hearing the National Trust was represented by its Land Agent, Mr H F Devlin and Mr A J W Bailey represented the Church Council. The Unit land is a strip running from north to south: on the wider part at its north end there is on the Register map a track. The area lying on the NW side of this track ("the NW area") is not claimed by the National Trust. The remainder of the Unit land ("the SW area") was part of the property conveyed to the National Trust by a Conveyance and Release dated 21 August 1959 and made by J E R Wyndham and Others and the Commissioners of Inland Revenue.

As regards the Parochial Council's claim Mr Bailey did not adduce evidence, but told me that traditionally the Church Council was regarded as owner.

On the evidence I am satisfied that the National Trust is the owner of the SW area and I shall accordingly direct the Cumbria County Council, as registration authority, to register it as owner under section 8(2) of the Act of 1965. As regards the NW area I am not satisfied that any person is the owner: I understand that there is no Parish Council and I shall direct the County Council to register Copeland Borough Council as owner under section 8(3).

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 13 June 1983

*L. J. Morris Smith*

Commons Commissioner