



In the Matter of The Old Well, Armathwaite,  
Cumbria

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DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 130 in the Register of Common Land maintained by the former Cumberland 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 Hesketh 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 Keswick on 9 October 1979.

At the hearing Mr J Bynicombe, Clerk to the Parish Council, appeared on its behalf. Giving evidence, he said that the Register Unit is a well or horse trough which has always been regarded as parish council property. It is in a small area of land, the weeds on which have been kept down by the Council or by villagers.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

31 October

1979

*L. J. Morris Smith*

Commons Commissioner