



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/291

In the Matter of the recreation  
allotment at Great Musgrave, Eden  
District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as the recreation allotment at Great Musgrave, Eden District being the land comprised in the Land Section of Register Unit No. VG 34 in the Register of Town or Village Greens maintained by the Cumbria (formerly Westmorland) 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 Musgrave Parish Council claimed (letter of 2 June 1980) ownership of the land in question, and the Commons Open Spaces and Footpaths Preservation Society on whose application the registration was made, extracted (in a letter dated 25 June 1980) from the Great Musgrave Common Inclosure Award dated 9 August 1859, the following allotment:- "... unto Thomas Alderson of Great Musgrave all that piece or parcel of land numbered 83 on the said map containing two acres to be held by him and his heirs and assigns subject to the obligation of preserving the surface thereof in good condition, and of permitting the same to be used at all times as a place for exercise and recreation for the Inhabitants of the said Parish of Great Musgrave and neighbourhood". No other person claimed to be the freehold owner of the land in question or 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 3 July 1980. At the hearing Musgrave Parish Council were represented by their chairman Mr W Steadman.

Mr Steadman produced the Parish copy of the said 1859 Award, containing an allotment as above quoted. He identified the land in this Register Unit with the piece numbered 83 on the Award map. The piece is now used as a playing field, being the only piece of recreational land in the Parish. The Parish Council had no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Musgrave Parish Council as the owner of the land under section 8(5) 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 21st —

day of July — 1980

a. a. Basten Jukes