



In the Matter of The Recreation Ground, Kirkby Stephen,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Kirkby Stephen, being the land comprised in the Land Section of Register Unit No. VG 39 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 no person claimed to be the freehold owner of the land in question and no one 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 16 October 1981.

At the hearing the Kirkby Stephen Parish Council was represented by Mr Birtles, solicitor.

The land in question was vested by clause 4 of a Scheme made by the Charity Commissioners on 28 November 1975 in the Parish Council as the Trustee of the Charity called "the Allotments for Recreation, in the Ancient Township of Kirkby Stephen, in the County of Cumbria, founded by an inclosure award dated the 24th September 1855 made in pursuance of the Act of Parliament of the year 1852 16 and 17 Vict. c.3, and being one of the Charities called the United Charities comprised in a Scheme of the Charity Commissioners of the 11th October 1912".

On this evidence I am satisfied that the Kirkby Stephen 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

2nd

day of

November

1981

Chief Commons Commissioner