



Reference No. 40/U/7

COMMONS REGISTRATION ACT 1965

In the Matter of Warcop Village Green,
Warcop, Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Warcop Village Green, Warcop, Eden District being the land comprised in the Land Section of Register Unit No. VG 14 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 Warcop Parish Council said (letter dated 3 July 1972 from their clerk) that they were the freeholders of the land in question it being recorded in the minutes that on 17 August 1905 a letter was read from the District Auditor sanctioning the depositing with a solicitor a deed dated 23 August 1904 made between (1) Beatrice Dorothy Margaret Wild (2) Ethel Mary Preston, (3) Eveline Grace Preston and (4) the parish council of the Parish of Warcop, being a conveyance of land containing $1\frac{1}{2}$ roods as a recreation; they also said there were other references to the village green from 1903 to 1905. No other person claimed to be the freehold owner of the land 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 24 April 1979. At the hearing Warcop Parish Council were represented by Mr G Hodgson their clerk.

Mr Hodgson said that the deed above mentioned was with a solicitor in Appleby. After some discussion as to the effect of subsection (3) of section 8 of the 1965 Act, and as to a possible adjournment to enable the Parish Council to produce the deed, I said I would grant an adjournment if the Parish Council within 21 days applied for it.

I have had no such application, and it may be that my inability to proceed under subsection (2) of the section will be of little practical consequence. 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 Warcop Parish Council as the owners of the land under section 8(3) 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 June — 1979

a. a. Baden Fuller