



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/406

In the Matter of Watering Place
in Gamelsy, Aikton, Allerdale D

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 298~~ in the Register of Common Land maintained by the former Cumberland County Council and now by 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 Aikton Parish Council claimed to be the freehold owner of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the ownership of the land at Keswick on 21 May 1981.

The hearing was attended by Mr W/Howe, Chairman of and representing the Parish Council and by Mr Greer of the Registration Authority. The Unit land is a watering place on the side of the road. Mr Howe, who has been a member of the Parish Council for some 20 years, said that the Parish Council had kept an eye on the Unit land, but had not spent money on it. He believed it was the subject of an Inclosure Award made in 1856, which he produced, but I was not able to identify the Unit land in the Award.

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

29 June

1981

L. J. Morris Smith

Commons Commissioner