



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/270

In the Matter of Whinfell Allotment and Recreation  
Ground, Whinfell, Cumbria

---

DECISION

This reference relates to the question of the ownership of land known as Whinfell Allotment and Recreation Ground, Whinfell, being the part of the land comprised in the Land Section of Register Unit No. CL 162 in the Register of Common Land 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 Mr W A Hodgson and Mr E Hodgson claimed to be the freehold owners 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 Kendal on 23 July 1980.

At the hearing Mr A Hodgson and Mr E Hodgson were represented by Mr P Briggs, Solicitor.

The land the subject of the reference was conveyed to Mr Briggs's clients by a Conveyance made 3 June 1975 between (1) The Parish Trustees of Whinfell (2) William Alan Hodgson and Eric Hodgson. The Parish Trustees had no documentary title, but the Parish Meeting had been in receipt of the rents and profits of the land for at least 42 years previously.

On this evidence I am satisfied that Mr W A Hodgson and Mr E Hodgson are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners 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

25<sup>th</sup>

day of

August

1980

Chief Commons Commissioner