



LINCOLN'S INN LIBRARY

COMMONS REGISTRATION ACT 1965

Reference No 20/U/106

In the Matter of The Hagg, Urswick,
South Lakeland District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Hagg, Urswick, South Lakeland District being the land comprised in the Land Section of Register Unit No CL. 298 in the Register of Common Land maintained by the Cumbria (formerly Lancashire) 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 Urswick Parish Council said (their clerk's letter dated 28 September 1973) that they were the owners of the land by virtue of a conveyance dated 6 February 1968 and made between the Crown Estate Commissioners and Urswick Parish Council. 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 Kendal on 26 April 1978. At the hearing Urswick Parish Council were represented by Mr R F Hart-Jackson, solicitor of Hart-Jackson & Sons, Solicitors of Ulverston.

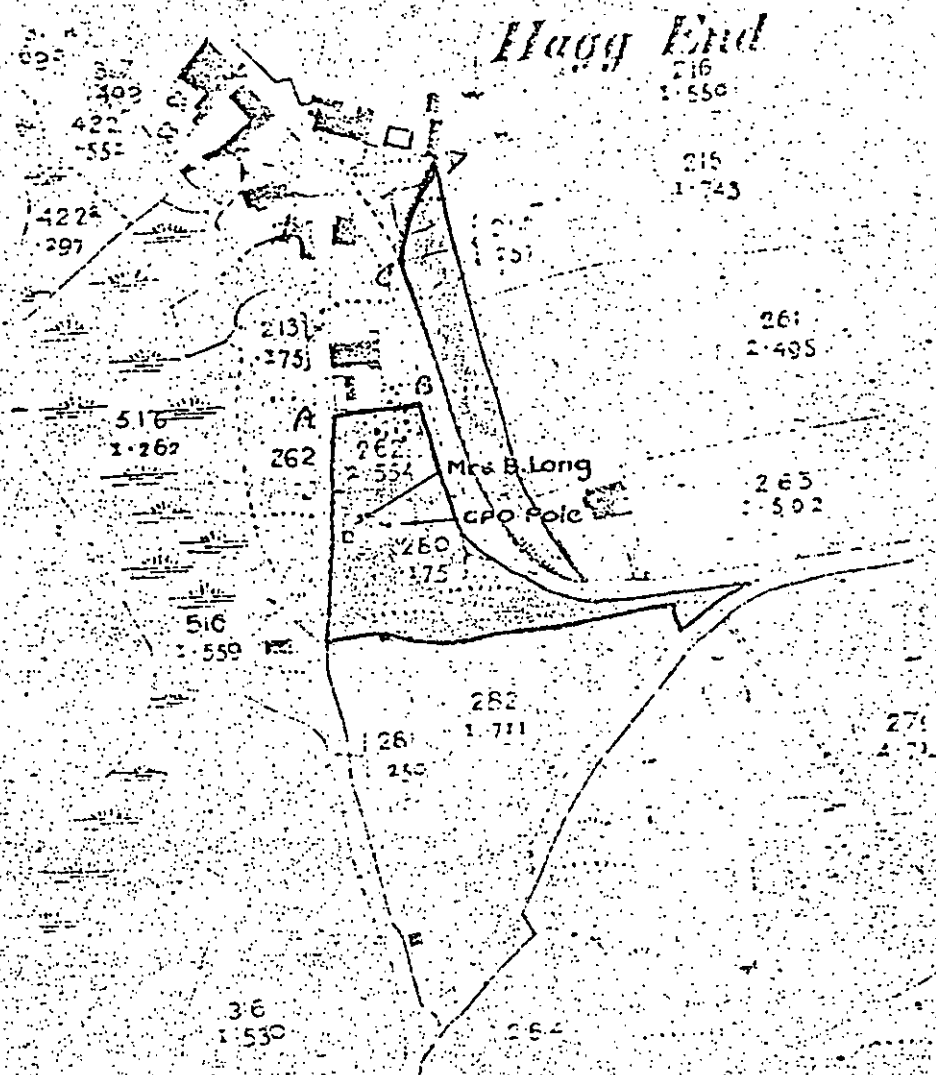
Mr T H Stable who is now and has been for the last 40 years a member of the Parish Council (he was chairman for 10 years) in the course of his evidence produced the said 1968 conveyance; by it there was conveyed: "ALL THOSE pieces of land containing 1.430 acres or thereabouts situate...and more particularly delineated on the plan annexed hereto and thereon coloured pink". A copy (uncoloured) of the said plan forms page 2 of this decision (save that I have put a black line round the pink colouring to mark the north boundaries of the land so coloured "AB" and "CD").

Clearly not all the land comprised in this Register Unit is coloured pink on the plan annexed to the 1968 conveyance, the omitted part being that north of the lines AB and CD on page 2 of this decision. After some discussion Mr Hart-Jackson said that the ownership claim was limited to the land expressly conveyed by the 1968 conveyance.

Of this land, Mr Stable said:- Formerly the land was grazed by animals from Birkrigg Common (Register Unit No CL. 25) which is nearby on the east; but now grazing by these animals is not practicable because such Common is protected by cattle grids. The land is now rough grass, and the Parish Council keep down the weeds.

There is I think no reason why I should not give full effect to the 1968 conveyance, and accordingly I am satisfied that the Parish Council are the owners of the land thereby expressed to be conveyed, being the land coloured pink on the plan annexed thereto, and accordingly pursuant to section 8(2) of the Act of 1965 I shall direct

Hagg End



CROWN ESTATES LANCOS MANOR OF MUCHLAND

SCALE 1:2500
 CROWN COPYRIGHT RESERVE
 J. CARTER & SONS
 LAND SURVEYORS

COMMONS REGISTRATION ACT 1965

Ref. No 20/U/106

Re:- The Hags, Urswick,
 South Lakeland District, Cumbria

This copy plan is page 2 of the
 decision dated 16th May 1978
 and made by the Commons
 Commissioner in this matter.

a. a. Baden Fuller

Commons Commissioner



Cumbria County Council as registration authority to register Urswick Parish Council as the owners of the part of the land comprised in this Register Unit which is south of the lines AB and CD as drawn on the copy plan being page 2 of this decision.

In the absence of any evidence I am not satisfied that any person is the owner of the remaining parts of the land and they 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 this 16th day of May — 1978

a. a. Bastin Fuller

Commons Commissioner