



COMMONS REGISTRATION ACT 1965

Reference Nos 262/U/353
262/U/354
262/U/355

In the Matter of (1) The Village Well, (2) Pumphills (north), and (3) Pumphills (south), Kirkbride, Allerdale District, Cumbria

DECISION

These references relate to the question of the ownership of lands known as (1) The Village Well, (2) Pumphills (north) and (3) Pumphills (south), Kirkbride, Allerdale District being the lands comprised in the Land Section of Register Unit (1) No. CL272, (2) No. CL270 and (3) No. CL269 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) 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 these references Kirkbride Parish Council said (letter of 26 November 1980) that they wished these lands to be recorded as freehold Kirkbride property vested in the Parish Council and that the small parcel of land (CL272) had been conveyed to the owner of the house immediately to the north (Brighton House); said (letter of 16 December 1980) that the CL272 land was then in the process of being sold to Mr and Mrs Donald Taylor; and said (letter of 10 April 1981) that they had no reason to suppose that anybody will wish to claim ownership of the CL270 and CL269 lands "which should formally be registered in the name of the Parish Council". No other person claimed to be the freehold owner of the lands 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 lands at Keswick on 29 April 1981. There was no appearance at the hearing.

The Parish Council seem to have mistaken the purpose of these proceedings. Under section 8 of the 1965 Act I am required to say whether I am "satisfied" as to ownership: I have no jurisdiction to vest lands in or record that they are vested in a parish council merely because they ask me to do so, or because nobody else claims the lands. In the absence of any evidence I am not satisfied that any person is the owner of these lands 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 19th — day of May — 1981

a. a. Baden Fuller

Commons Commissioner