

In the Matter of a Stone Quarry at Speat Gill Head, Westward, Allerdale D

DECISION

This reference relates to the question of the ownership of land known as a Stone Quarry at Speat Gill Head, Westward, Allerdale D being the land comprised in the Land Section of Register Unit No. 81 in the Register of Common Land maintained by the former 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 this reference Westward Parish Council claimed to be the freehold owner 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 Cochermouth on 10 July 1979.

Mr Adams, the clerk, and Mr Pigg the Vice chairman of the Westward Parish Council appeared.

Mr Grear appeared on this and all other references before me on behalf of the Registration Authority and I am greatly indebted to him for the assistance he gave me. Mr Adams produced the Westward Inclosure Award of 1825. This Award, awarded, assigned, set out and allotted various public watering places for cattle and wells freestone quarry and sand and gravel pits identified by letters on the maps or plans referred to in the Award "to be forever hereafter appropriated to and for the common use and benefit of the owners and occupiers for the time being of the messuages lard and tenements in the said parish of Westward." The land in question is identified by the letter H on Plan 2.

In my view the passages in the Award cited to me read by themselves, did no more than define the uses to which the lands were to be put and did not vest the legal estate in any person or persons under whom the Parish could claim ownership. I found support for this view in two cases I heard on 11 and 12 July where I had the assistance of counsel and where the Acts under which very similar awards were made wer cited to me.

In this case there is no claim to ownership by the Lord of the Manor and since on the evidence produced I am not satisfied that the Parish Council is the owner, 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 this

31

day of /64

1979

Y. A. Le He