



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/94

In the Matter of Allerby Green,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Allerby Green being the land comprised in the Land Section of Register Unit No. VG 9 in the Register of Town or Village Greens 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 Oughterside and Allerby 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 Cockermouth on 22 May 1979.

Mr T A Osborne, the Chairman of the Parish Council, appeared on its behalf. He stated that in a Tithe Award of 1846, the Green was classed as waste land, and that it is used for recreational purposes by children. Some four years ago the Parish Council erected swings and goal posts, and last year levelled the land and kerbed a large section.

I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Parish Council as the owner of the land under section 8(3) 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 18 July 1979

L. J. Harris Smith

Commons Commissioner