

In the Matter of Bardsea Green, Urswick, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Bardsea Green, Urswick, being the land comprised in the Land Section of Register Unit No. CL 112 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 S Kneen, Mr L W Simpson, and Mr and Mrs L Patch claimed to be the freehold owners of parts 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 30 March 1982.

At the hearing Mr A Adams, solicitor, appeared on behalf of Mr Kneen, Mr D M Thompson, solicitor, on behalf of Mr Simpson, and Mr M S Graham, solicitor, on behalf of Mr and Mrs Patch.

Mr Kneen and Mr and Mrs Patch were interested in pieces of land which were excluded from the Register Unit on 17 January 1979. The land remaining in the Register Unit, the subject of this reference, was conveyed to Mr Simpson by a conveyance made 20 June 1964 between (1) The Queen's Most Excellent Majesty (2) The Crown Estate Commissioners (3) George William Simpson.

On this evidence I am satisfied that Mr Simpson is the owner of the land the subject of the reference, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner 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

6th

day of

April

1982


Chief Commons Commissioner