



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/181

In the Matter of Blackwell Common, near
Blackwell, St Cuthbert Without, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Blackwell Common, near Blackwell, St Cuthbert Without, being the land comprised in the Land Section of Register Unit No. CL 49 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 no person claimed to be the freehold owner of the land in question and no one 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 Carlisle on 5 February 1980.

At the hearing the St Cuthbert Without Parish Council was represented by Mr A Glencross, its Clerk.

At some time more than twelve years ago some goal posts were erected on the land the subject of the reference. There was no evidence as to by whom the goal posts were erected, but since the Parish Council paid for keeping them in repair, I infer that they were erected by the Council. In 1969 the Parish Council erected swings for the children of the Parish, and in 1971 the Council planted trees on the land. In my view the Council has been in possession of the land for a sufficient time to have acquired a possessory title.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the St Cuthbert Without Parish Council 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

22nd

day of

February

1980

Chief Commons Commissioner