



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/409

In the Matter of Braithwaite Common,
 Allerdale D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 297 in the Register of Common Land maintained by the former Cumberland County Council and now by 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 the National Trust claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Keswick on 21 May 1981.

At the hearing Mr G Hall, Land Agent, represented the National Trust and Mr Greer of the Registration Authority also attended. Mr Hall produced a Conveyance dated 28 September 1979 whereby there were conveyed to the National Trust by Lord Egremont's special personal representatives Waste water and a large area of land. This area included the Unit land except a small piece which is the south-westerly of the two pieces of the Unit Land shown on the annexed plan: this piece ("the SW piece") is not claimed by the National Trust.

On this evidence I am satisfied that the National Trust is the owner of the Unit land except the SW piece and I shall accordingly direct the Cumbria County Council, as registration authority, to register the National Trust as the owner of the Unit land (excluding the SW piece) under section 8(2) of the Act of 1965. The SW piece will 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.

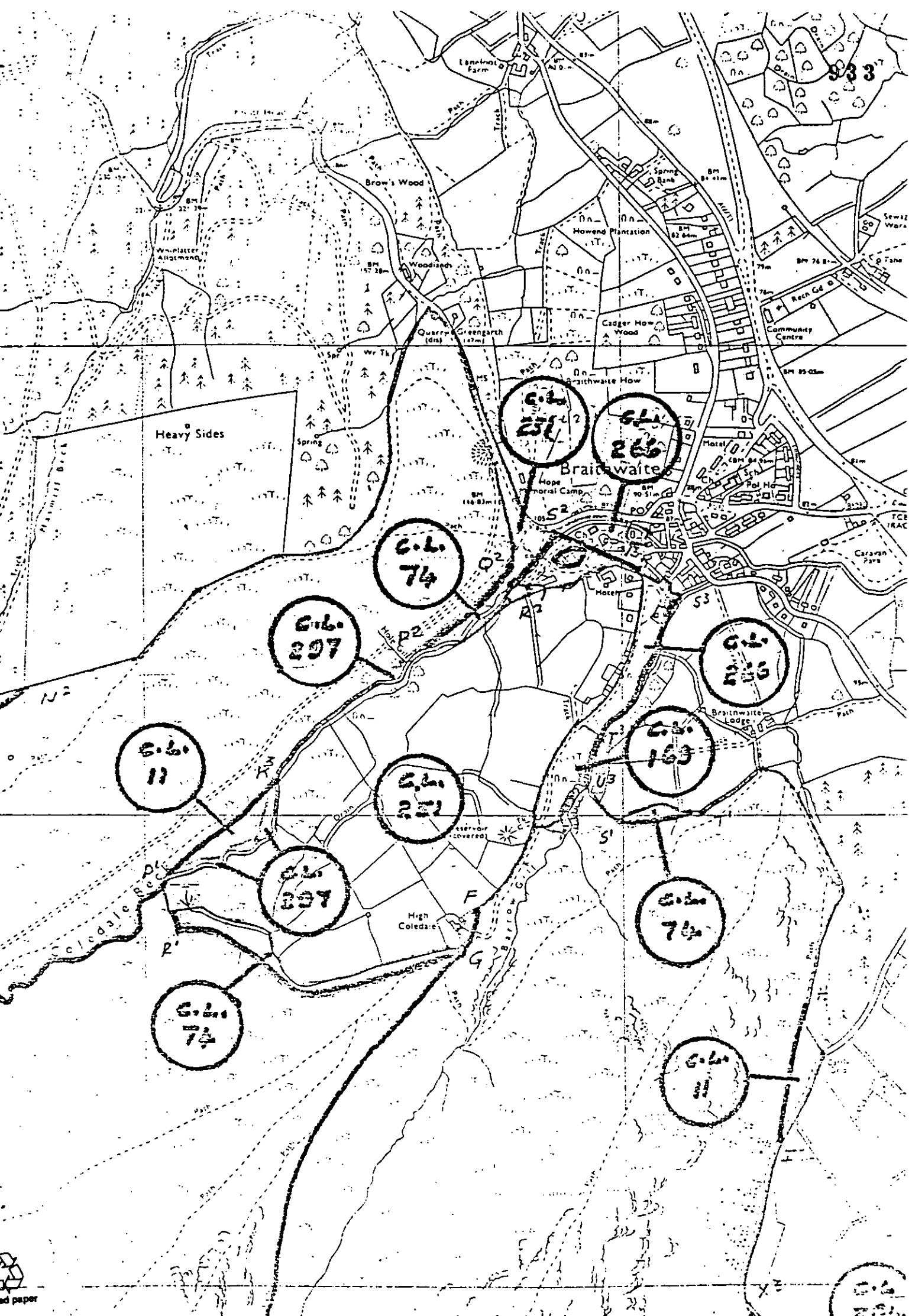
Dated

13 July

1981

L. J. Morris Smith

Commons Commissioner



933

G.L. 251

G.L. 266

G.L. 74

G.L. 297

G.L. 236

G.L. 11

G.L. 232

G.L. 163

G.L. 297

G.L. 74

G.L. 74

G.L. 11

G.L. 74