



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/67

Cumbria
In the Matter of Broad Well, Bothel, Cumberland

DECISION

This reference relates to the question of the ownership of land known as Broad Well being the land comprised in the Land Section of Register Unit No. VG.28 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question (the unit land) 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 unit land at Cockermouth on 24 May 1979.

The hearing was attended by Mr J Greer of the registration authority and by Mr A Penn the Chairman, Mr H Scott a member, and Mr L C Gardner the Clerk of Bothel and Threapland Parish Council. Mr Gardner, submitting a claim to ownership by the Parish Council, stated that the unit land is open grass- there used to be a well which the Parish Council fenced some years ago, which is not now used except in times of shortage. The parish council has licensed an adjoining owner to take his car over the unit land, on which children play.

On this evidence 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 this 18th day of July 1979

L. J. Morris Smith
Commons Commissioner