



In the Matter of Great Orton Pond, Barras Green, and Orton
Rigg Pond and Common, Orton, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Great Orton Pond, Barras Green, and Orton Rigg Pond, Orton, being the land comprised in the Land Section of Register Unit No. CL 164 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 the Orton 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 Carlisle on 5 February 1980.

At the hearing the Parish Council was represented by Mr W Moore, its Chairman, who informed me that the Council did not claim to be the owner of the land in question and that he did not know who owned it. About seven years ago the Council filled up the ponds on the land and since then the land has been maintained by the Council, but this has not continued for sufficiently long for the Council to have acquired a possessory title.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore 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 this

22nd

day of

February

1980

[Signature]

Chief Commons Commissioner