

JL
COMMONS REGISTRATION ACT 1965



Reference No. 262/U/524

In the Matter of Hincaster Village Green,
South Lakeland D

DECISION
NO.2

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. VG 69 in the Register of Town or Village Greens 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 ("the Unit land"): at a hearing held on 21 April 1983, no one appeared to claim ownership and, in the absence of evidence I was not satisfied that any person is the owner. Subsequently a claim to ownership was made by Mr and Mrs P R Norman, and the hearing was re-opened and held at Kendal on 28 February 1984, when Mr J H Smith, Solicitor, appeared on behalf of the claimants. Mrs K Dewhurst, Chairman of Hincaster Parish Meeting, and Mr T Greer, of the Registration Authority, were also present.

In the Register the land is described as Hincaster Village Green "as marked with a green verge line ... on the register map". It appears that the piece of land so marked is not in fact the village green, which lies close by, and that this piece was by mistake wrongly identified on the register map. I do not have jurisdiction to modify the Register so as to correct the identity of the land, and can only deal with the question of ownership of the Unit land - the piece in fact registered.

The claim by Mr and Mrs Norman is based on a Conveyance dated 9 November 1979 by which Peter G Seeds conveyed to them on sale property known as Mepton. This property included the Unit land, and the evidence also included earlier documents of title going back to 1952.

I am satisfied that Mr and Mrs Norman are the owners of the Unit land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners under section 8(2) of the Act of 1965.

I am required by regulation 3(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 14 May 1984

H. J. Morris Smith
Commons Commissioner