



In the Matter of Hutton Roof Crags, Hutton Roof,
South Lakeland 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.55 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 or 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 Kendal on 28 February 1984. At the hearing Mr P Darlington, Solicitor, appeared on behalf of Mr and Mrs J Wilson, who however were not claiming ownership. Mr R A Hallenor told me that there was an Inclosure Award of 1822 and he understood that ownership was vested in trustees for the local inhabitants, but he was not in a position to prove such ownership. I indicated that should evidence in support of such a claim come to light in the future, it would be possible to apply to the Registration Authority to make a fresh reference, relating to ownership, to the Commons Commissioners.

In the absence of any 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.

As 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

5 March

1984

H. J. Morris Smith

Commons Commissioners.