



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/255

In the Matter of land at Hubbersty Head,
Crosthwaite and Lyth, Cumbria

DECISION

This reference relates to the question of the ownership of land at Hubbersty Head, Crosthwaite and Lyth, being the land comprised in the Land Section of Register Unit No. CL 64 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 South Lakeland District Council and Miss H Bibby and the personal representatives of Nancy Mackay Wood claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership. The solicitors of Miss Bibby and the personal representatives of Miss Wood withdrew their claim by letter dated 20 June 1980.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Kendal on 24 July 1980.

At the hearing the District Council was represented by Mr A Crossley, its legal executive.

The land the subject of the reference was assigned, set out, and allotted to the Surveyors of the Highways within the Township of Crosthwaite and Lyth in the Parish of Haversham as and for a public watering place for cattle by the Haversham Inclosure Award made 14 June 1815. This land became vested in the former South Westmorland Rural District Council by virtue of Sections 25 and 67 of the Local Government Act 1894 and was not the subject of a transfer under Section 118 of the Local Government Act 1929. It became parish property by virtue of Section 305 of the Local Government Act 1933, and on 1 April 1974 it passed under the Local Government Act 1972 to the District Council, which holds it as Trustee for the Crosthwaite and Lyth Parish Council.

On this evidence I am satisfied that the South Lakeland District Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the South Lakeland District Council as the owner of the land under section 8(2) 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

25th

day of

August

1980

Chief Commons Commissioner