



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/125

In the Matter of Land at Thursby Parish
Hall, Cumbria

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL.121 in the Register of Common Land 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 Thursby Parish Council claimed to be the freehold owner of the land in question ("the Unit Land") and the Charity Commission 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 23 May 1979. The hearing was attended by Mr J Greer of the registration authority, and no one else. Mr J R Huntington, the Clerk to Thursby Parish Council, had before the hearing handed in a bundle of documents. These included an affidavit sworn on 16 May 1979 by Janet Crawshaw an officer in the Charity Commission: from this it appeared that by a Conveyance dated 24 February 1924 made between William Harrison and others (1) and the Parish Council (2) there was conveyed to the Parish Council a piece of land at Thursby, delineated by reference to a plan, with the Recreation Hall erected thereon, to be held by the Council for the purposes of a Parish Hall for the use of the inhabitants of Thursby and the neighbourhood. A copy of the Conveyance is exhibited to the affidavit.

It appears from the Register Map that the unit land comprises two areas, on the larger and southern one of which the Hall is built. The Conveyance to the Council comprises only the larger area of which I am satisfied that the Parish Council is the owner, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Parish Council as the owner of this area under section 3 (2) of the Act of 1965. I am not satisfied that any person is the owner of the remaining area and it will therefore remain subject to protection under section 9 of the Act.

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 21 August 1979

L. J. Morris Smith
Commons Commissioner