

COMMONS REGISTRATION ACT 1965



Reference No. 262/U/509

In the Matter of land known as The Common
Rakefoot near Keswick

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL 320 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 Mr J D Jackson 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 Keswick on 29 June 1982.

Mr R F Walsh (a member) appeared for St John's Castlerigg and Wytheburne Parish Council and Mr J D Jackson appeared in person.

Mr Jackson said that he owned land which surrounded the register unit on all but 10% of its perimeter. For over the last 20 years he had maintained a gravity extraction plant and filter on the land for his home and his business of farming and maintaining a caravan site. He had recently repaired the wall surrounding the land and wired it to keep out sheep. No one had ever interfered with or questioned his user of the land.

No claim to ownership was put forward on behalf of the Parish Council.

On this evidence I am satisfied that Mr John Dickson Jackson is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him 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

5th

day of

August

1982

George Hesketh

Commons Commissioner