



In the Matter of Land on Wansfell,  
Troutbeck, South Lakeland D

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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 161 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Kendal on 21 April 1983. Part of the land has a registered freehold title No. WS 72 under the Land Registration Acts, and it is with the remaining part ("the unclaimed part") that I am concerned.

At the hearing Mr A H Whelan, Solicitor, appeared on behalf of Mrs E Stables, and Mr Watson, Land Officer, appeared on behalf of the National Trust. Mrs Stables's claim was withdrawn.

By a Conveyance dated 3 February 1948 and made between Edith L Heeley (1) Commissioners of Inland Revenue(2) and the National Trust (3), property which included the unclaimed part was conveyed to the National Trust.

On this evidence I am satisfied that the National Trust is the owner of the unclaimed part and I shall accordingly direct the Cumbria County Council, as registration authority, to register it as the owner 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

7 July

1983

*L. J. Morris Smith*

Commons Commissioner