

COMMONS REGISTRATION ACT 1965

Reference No. 262/U/454

In the Matter of Morland Village Green, Morland,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Morland Village Green, Morland, being the land comprised in the Land Section of Register Unit No. VG 46 in the Register of Town or Village Greens 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 Morland Parish Council 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 Penrith on 16 October 1981.

At the hearing the Parish Council was represented by Mr A Duff, solicitor,

The Parish Council granted a wayleave to the North Western Electricity Board to place a line across the land in question and has since received the annual sum payable under the agreement.

Mr Duff very properly informed me that on 11 March 1964 Mr T H Atkinson also entered into a wayleave agreement with the Electricity Board. However, Mr Atkinson did not appear nor was he represented at the hearing, and there is no evidence that he has ever received any part of the rents and profits from the land. I therefore regard the evidence on behalf of the Parish Council as uncontradicted.

On this evidence I am satisfied that the Morland Parish Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Parish Council as the owner of the land under section 3(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.

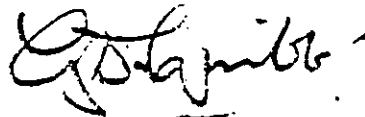
Dated this

2nd

day of

November

1981



Chief Commons Commissioner