



In the Matter of Quarry Field, Wythop,
Allerdale D

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 362 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 Hon W R F Vane claimed to be the freehold owner of the land in question ("the Unit land") 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 19 May 1981.

At the hearing, Mr C J F Vane, of Counsel, appeared on behalf of the Claimant; Mr Greer of the Registration Authority and Mr O W Todhunter, the applicant for registration, also attended.

By a Vesting Deed dated 18 August 1950 made between (1) W M F Vane (2) Mary, his wife, and (3) trustees, after reciting the fee simple ownership of Mr Vane, it was declared that property which included the Unit land was vested in him in fee simple upon the trusts of the settlement therein referred to. By a Conveyance dated 15 January 1974 made between (1) Lord Inglewood (formerly W M F Vane) (2) his son William Richard Fletcher Vane the Claimant (3) the then trustees of the Settlement, property comprised in the Vesting Deed and including the Unit land was conveyed to the Claimant discharged from the trusts of the Settlement.

The Unit land is part of a field on Old Scale Farm, a farm which was comprised in the Vesting Deed and the Conveyance, and is part of the Wythop Estate.

On the evidence I am satisfied that the Claimant 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 2(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.

14 June

1981

L. J. Mann's Smith
Commons Commissioner