



In the Matter of The Allotment at Tarnmine
Hill, Kirkby Stephen, Cumbria

DECISION

This reference relates to the question of the ownership of land known as the Allotment at Tarnmine Hill, Kirkby Stephen, being the land comprised in the Land Section of Register Unit No. CL.166 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 no person claimed to be the freehold owner of the land in question and no one 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 29 October 1980. At the hearing Mr P Birtles, Solicitor, appeared on behalf of Mr S Bonsfield.

The land the subject of the reference was vested in the Official Custodian for Charities by virtue of a Scheme of the Charity Commissioners of 11 October 1912, as varied by the provisions of the Charities Act 1960, and it was conveyed to Mr Bonsfield by a conveyance made 3 January 1976 between (1) The Official Custodian for Charities (2) Tom Simpson and others being all the trustees of a Charity known as the United Relief in Need Charity in the Ancient Parish of Kirkby Stephen (3) Stanley Bonsfield.

On this evidence I am satisfied that Mr Bonsfield 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

17th

day of

November 1980


Chief Commons Commissioner