



In the Matter of Winton and Kaber Regulated  
Common, Winton and Kaber, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Winton and Kaber Regulated Common, Winton and Kaber, being the land comprised in the Land Section of Register Unit No. CL.21 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 Mrs M H Newbold and the successors in title to the late Mr John Brazil claimed to be the freehold owners of the land in question and no one else 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 Carlisle on 23 March 1983.

At the hearing Mr J Fryer Spedding, of Counsel, appeared for Mr P C Tuckett, Mr E. Fordham, and Mr J Parker, and there was no appearance by or on behalf of Mrs Newbold.

The land in question formerly formed part of the Appleby Castle Estate of John Sacville Richard, Baron Hothfield, who died on 21 December 1952, and was included in the parcels of a Conveyance made 4 December 1962 between (1) George Gerard Shiel (2) Broadland Properties Limited and Corthorn Land and Timber Company Limited (3) John Brazil. Mr Brazil died 22 November 1979 and his will was proved on 23 June 1980 by Lloyds Bank Limited, Evan George Hazzard, and Paul Coldstream Tuckett. The land was then conveyed by a Conveyance made 26 August 1981 between (1) Lloyds Bank Limited, E.G. Hazzard and P C Tuckett (2) P C Tuckett, Edward Fordham and John Parker.

On this evidence I am satisfied that Mr Tuckett, Mr Fordham and Mr Parker are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners 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

13~~th~~

day of

April

1983

  
Chief Commons Commissioner