



In the Matter of Bandrake Head Scar,
Colton, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Bandrake Head Scar, Colton, being the part of the land comprised in the Land Section of Register Unit No. CL.127 in the Register of Common Land maintained by the former Lancashire 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 Miss E Hayes 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 Kendal on 22 July 1980. At the hearing Miss Hayes was represented by Mr K Hart Jackson, Solicitor.

A part of the land the subject of the reference lying South-West of the line N-O and North-East of the line P-Q on the Register Map was vested in Miss Hayes by an assent made 2 August 1956 between (1) Harry Grice Wilson and Ellen Hayes (2) Ellen Hayes. Mr Wilson and Miss Hayes were the executors of Miss Mary Elizabeth Dixon. Miss Dixon acquired the land under the Will of her mother, Mrs Isabel Dixon, who died on 17 September 1932 and to whom the land was conveyed by a conveyance made 11 February 1892 between (1) The Trustees of the Will of Arthur Bevins (2) Isabel Dixon.

On this evidence I am satisfied that Miss Hayes is the owner of ^{part of} the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register her as the owner of ^{part of} the land under section 8 (2) of the Act of 1965.

In the absence of any evidence regarding the remainder of the land the subject of the reference, I am not satisfied that any person is the owner of it, and it will therefore remain subject to protection under section 9 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

25th

day of

August

1980

J. Lapin
Chief Commons Commissioner