

In the Matter of Liscow Garden Ground, Mungrisdale, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Liscow Garden Ground, Mungrisdale, being the land comprised in the Land Section of Register Unit No. CL 280 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 Mungrisdale 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 15 October 1981.

At the hearing the Parish Council was represented by Mr A R Nobbs, solicitor.

The account books of the Parish Council show that the Council has been letting the land in question and receiving the rent since 1966.

On 20th August 1980 the Parish Council entered into an agreement to sell the freehold interest in a part of the land to the Minister of Transport for the purpose of the construction or improvement of the Barons Cross Trunk Road. The agreement contains an undertaking to transfer the fee simple interest in that part of the land to the Minister or other appropriate highway authority upon notice in writing being given within 21 years. So far the fee simple interest has not been transferred. Therefore, since by section 22(2) of the Act of 1965 references in that act to ownership are references to the ownership of a legal estate in fee simple, I am satisfied on this evidence that the Parish Council is the owner of the whole 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 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.

13点

day of

Vovember

1981



Dated this

