COMMONS REGISTRATION ACT 1965 Reference No. 262/U/266

In the Matter of Prickley Fell,
Kendal, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Prickley Fell, Kendal, being the land comprised in the Land Section of Register Unit No. VG 55 in the Register of Town or Village Greens 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 South Lakeland District 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 Kendal on 24 July 1980.

At the hearing the District Council was represented by Mr A Crossley, its legal executive.

The land the subject of the reference was vested in the Kendal Fell Trustees by statute (7 Geo. III, C.111 (private)) in 1767 and was transferred to the former Kendal Corporation by S. 6 (1) of the Kendal Corporation Act 1907 (7 Edw. VII, C.lxxxii). The land became vested in the District Council on 1 April 1974 by virtue of the Local Authorities (England) (Property etc) Order 1973 (S.I.1973 No. 1861).

On this evidence I am satisfied that the South Lakeland District Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the District 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.

Dated this 25th day of August 1980

Chief Commons Commissioner