



COMMONS REGISTRATION ACT 1965

Reference Nos 262/U/326
 262/U/328
 262/U/327
 262/U/330
 262/U/331
 262/U/332
 262/U/338

In the Matter of (1) Fell End Quarry,
 (2) Lambfoot Quarry, (3) Slate Fell,
 (4) How Close, (5) How End, (6) Golf Links
 Quarry, and (7) Jenkin, all in Embleton,
 Allerdale District, Cumbria.

DECISION

This reference relates to the question of the ownership of lands known as (1) Fell End Quarry, (2) Lambfoot Quarry, (3) Slate Fell, (4) How Close, (5) How End, (6) Golf Links Quarry and (7) Jenkin, all in Embleton, Allerdale District being the lands comprised in the Land Section of Register Unit (1) No. CL365, (2) No. CL366, (3) No. CL378, (4) No. CL368, (5) No. CL369, (6) No. CL370, and (7) No. CL376 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) 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 lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Keswick on 27 April 1981. At the hearing Embleton and District Parish Council on whose application the Land Section registrations were made, were represented by Mr O W Todhunter, their clerk.

Of these 7 lands, the CL369 (How End) land is the largest, being about 100 yards across; the others are all smaller, some very much smaller, eg the CL378 (Slate Fell) land perhaps no more than 15 yards across. In the Rights Section of all these Register Units there is a registration made on the application of the Parish Council of a right of the Parishioners to take sand gravel stone and such from the whole of the land in the Register Unit, and these registrations being undisputed have become final.

Mr Todhunter said that the Parish Council did not claim to be the owner of any of these lands, and he mentioned the names and addresses of the persons who they thought were or might be the owners. To all these persons he had written giving particulars of the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the lands, and they will therefore remain subject to protection under section 9 of the Act of 1965.

TURM OVER



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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 4th — day of June . 1981

a. a. Baden Fuller

Commons Commissioner