



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/290

In the Matter of Bank Moor,
Crosby Ravensworth, Eden District,
Cumbria

DECISION

This dispute relates to the registration at Entry No. 2 in the Rights Section of Register Unit No. CL 7 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) County Council and is occasioned by Objection No. 2/111 made by Crosby-Ravensworth Commoners' Committee and noted in the Register on 13 August 1971.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 22 October 1980. At the hearing Crosby Ravensworth Commoners' Committee were represented by Mr J T Relph, their Hon Secretary.

The land ("the Unit Land") in this Register Unit is a tract of about 334 acres adjoining the northeast corner of Crosby Ravensworth Fell. In the Rights Section there are 7 registrations at Entry Nos 1, 3, 4, 6, 7, 8 and 10, (formerly 5) which being undisputed have become final. The registration at Entry No. 2 now disputed, was made on the application of Mr William Burra and is of a right attached to Blasterfield Farm to graze 250 ewes with their followers, 90 hogs and 4 horses with their followers on the Unit Land and the land in Register Unit No. CL 10. The grounds of Objection are:- "The right on Bank Moor does not exist as none of the land detailed in col. 5 of the register lies in the Manor of Gaythorn".

Mr Relph who has lived in the Parish all his life (55 years) and has been Hon Secretary of the Committee since 1964 in the course of his evidence said (in effect):- Mr J Atkins now deceased, was the tenant of Blasterfield Farm and as such was a member of the Committee; at one of the meetings he said he did not know why the registration was made because "we didn't go on the Bank Moor" although there were strays. Mr Burra now deceased, was also a member of the Committee and knew that an objection had been made on their behalf against his registration; but he never explained how his registration could be supported. In his (Mr Relph's) view, there was no right over Bank Moor attached to Blasterfield Farm because the Unit Land is in the Manor of Gaythorn and Blasterfield Farm is in the Manor of Crosby.

On Mr Relph's evidence, and in the absence of any evidence in support of the registration, I conclude that it should not have been made. Accordingly I refuse to confirm the registration.

TURN 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 — 10th — day of November — 1980

a. a. Baden Fuller

Commons Commissioner