



In the Matter of Birkbeck Fells Common,
Orton, Cumbria (No. 7)

DECISION

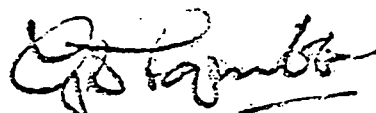
These disputes relate to the registrations at Entry Nos 18, 12 and 23 in the Rights Section of Register Unit No. CL.9 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by Objection No. 2/130 made by the Crosby Ravensworth Commoners Committee and noted in the Register on 3 February 1972 and the conflicting registration at Entry No. 14 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 30 October 1980. The hearing was attended by Mr J S Relph, the Secretary of the Commoners Committee. There was no appearance by or on behalf of the Earl of Lonsdale and Mr G E Nelson, the applicants for the registration at Entry No. 18 Mr R E Fisher, the applicant for the registration at Entry No. 12, and Mr M W Eully, the applicant for the registration at Entry No. 23, but Mr Relph informed me that it had been agreed in respect of Entry No. 18 that there was a right to graze 100 shearlings during the period from 1 December to 1 February.

In these circumstances I refuse to confirm the registrations at Entry Nos 12 and 23, and I confirm the registration at Entry No. 18 with the following modification, namely, the substitution of "100 shearlings during the period from 1 December to 1 February" for (a) 300 ewes and shearlings and (b) 120 hogs".

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 17th day of November 1980


Chief Commons Commissioner