



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/488

In the Matter of Birkby Fell, near
Muncaster, Copeland B

SUPPLEMENTAL DECISION

In my Decision in this matter dated 2 November 1981 paragraph 3 I referred to an arrangement between the parties for (as I was informed) the withdrawal of the application to register Entry No. 5 in the Rights Section; and accordingly I refused to confirm the registration. From further communications received it now appears that both parties accept that the arrangement was inaccurately stated and that what in fact had been agreed was that the registration should be confirmed in part. The effect of the agreement was that only the rights to graze and cut peat were to be retained, and I was asked to amend the Decision accordingly. Instead therefore of refusing to confirm the registration, I now confirm it modified so that in column 4 the existing particulars are replaced by the following: "The right to graze 50 ewes and to cut peat on Birkby Fell comprising the whole of the land in this register unit".

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

6 December

1982

L. J. Morris Smith

Commons Commissioner