



In the Matter of Bolton Fell Moss,
Hethersgill, Cumbria (No. 3)

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership Section of Register Unit No. CL 229 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 119 made by the Hethersgill Parish Council and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Carlisle on 22 March 1983. The hearing was attended by Mr A W Simpson, of counsel, on behalf of the Boothby Peat Co Ltd, the successors in title of Mr M C Halton and Mr A D Duncan, the applicants for the registration.

The reference can fairly be described as a "ghost", since the grounds of objection relate to certain registrations in the Rights Section of the Register Unit and the word "Ownership" has been deleted, but so faintly as to escape the notice of whoever prepared the notice of reference. I cannot, however confirm the registration, since by my decision in In the Matter of Bolton Fell Moss, Hethersgill (No. 1) (1983), Ref.Nos. 262/D/783-784 I have refused to confirm the registration in the Land Section of the Register Unit.

I therefore refuse to confirm the registration.

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

15th

day of

April

1983

Chief Commons Commissioner